

# FEDERAL REGISTER

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## Agencies in this issue—

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Agriculture Department  
Civil Aeronautics Board  
Civil Service Commission  
Commerce Department  
Consumer and Marketing Service  
Federal Highway Administration  
Federal Power Commission  
Federal Reserve System  
Fish and Wildlife Service  
Food and Drug Administration  
General Services Administration  
Housing and Urban Development  
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Labor Department  
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Narcotics and Dangerous Drugs  
Bureau  
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Wage and Hour Division

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# Rules and Regulations

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

#### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

##### Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended by changing subdivision (xiv) of subparagraph (15) of paragraph (c) of § 76.2 to read:

(15) Iowa. \* \* \*

(xiv) That portion of Montgomery County comprised of Lincoln Township.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

**Effective date.** The foregoing amendment shall become effective upon issuance.

This amendment excludes Garfield, Red Oak, and Sherman Townships in Montgomery County, Iowa, from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined area described above in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the excluded areas.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary and contrary to the public interest, and good cause is found for making the amendment effective less

than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of January 1970.

GEORGE W. IRVING, Jr.,  
Administrator,  
Agricultural Research Service.

[F.R. Doc. 70-732; Filed, Jan. 23, 1970;  
8:45 a.m.]

## Title 7—AGRICULTURE

### Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 192, Amdt. 1]

#### PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### Limitation of Handling

(a) **Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

(b) **Order, as amended.** The provisions in paragraph (b) (1) (i), (ii), and (iii) of § 907.492 (Navel Orange Regulation 192, 35 F.R. 527) are hereby amended to read as follows:

§ 907.492 Navel Orange Regulation 192.

(b) Order. (1) \* \* \*

- (i) District 1: 1,190,000 cartons;
- (ii) District 2: 168,000 cartons;
- (iii) District 3: 42,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 21, 1970.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-944; Filed, Jan. 23, 1970;  
8:48 a.m.]

[Lemon Reg. 411]

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

§ 910.711 Lemon Regulation 411.

(a) **Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendations and supporting information for regulation during the period specified herein were promptly submitted to the



Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 20, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period January 25, 1970, through January 31, 1970, are hereby fixed as follows:

- (i) District 1: 32,550 cartons;
- (ii) District 2: 69,750 cartons;
- (iii) District 3: 83,700 cartons.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 22, 1970.

PAUL A. NICHOLSON,  
Deputy director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-994; Filed, Jan. 23, 1970; 8:49 a.m.]

## Title 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of International Commerce, Department of Commerce

#### SUBCHAPTER B—EXPORT REGULATIONS

[12th Gen. Rev. of Export Regs., Amdt. 10]

### MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 373, 374, and 379 of the Code of Federal Regulations are amended to read as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

Effective date: January 22, 1970.

RAUER H. MEYER,  
Director, Office of Export Control.

### PART 373—SPECIAL LICENSING PROCEDURES

In § 373.3(d)(3), subdivision (iv) is amended to read as follows:

(iv) *Comprehensive narrative statement.* A comprehensive narrative statement shall be submitted by the applicant in support of the application. This statement shall describe the applicant's marketing program pertinent to the applica-

tion and shall detail the nature and duration of the business relationship existing between the applicant and each consignee. If the consignee is a subsidiary, affiliate, or branch of the U.S. exporter, the statement shall show clearly that the qualifications set forth in § 373.3(c) are met and shall show the form of ownership or other control exercised by the U.S. exporter. If the consignee is a distributor other than a subsidiary, affiliate, or branch of the U.S. exporter, the statement shall include both the terms of the distributorship agreement and the written agreement assuring compliance with U.S. export control regulations as described in § 373.3(c)(1)(ii). In addition, the statement shall list, for each consignee, the volume of business in the commodities involved for the preceding year, describing the commodities in the same detail as on the license application.

In § 373.7, paragraphs (j) and (k) are amended to read as follows:

(j) *Records.* A U.S. exporter is required to maintain records of all exports for a period of 3 years in accordance with the provisions of § 387.11 of this chapter.

(1) A foreign-based service facility or a foreign manufacturer is required to retain records of all reexports made under the provisions of this SL Procedure for a period of 3 years and to make all such records available for inspection in accordance with the provisions of § 387.11 of this chapter, upon request, by officials of the U.S. Government. As a minimum, the record of each reexport shall show:

(i) The Form IA-544 approval number and the full name and address of the individual or firm to which the parts were reexported;

(ii) A description of the equipment for which the parts are intended;

(iii) A description of the parts exported;

(iv) Quantity or value of each part reexported; and

(v) Date of reexport.

(2) In the event that a foreign governmental regulation or statute prohibits a U.S. Government representative from inspecting these records in the foreign country, the Office of Export Control may, in substitution, require the submission of specified records, documents, or both.

(k) *Reports.* (1) Each exporter who has been issued an SL License under the provisions of § 373.7(f)(1) shall prepare and submit, on a monthly basis, a report on all exports made during the preceding month under the SL License. The report shall cite the license number indicated on the export license and shall show, as a minimum for each consignee, a separate aggregate value for each commodity category as shown on his license (i.e., for each "A" commodity, or "A" product group, and for each non-"A" commodity category). Where exports are made to service vessels or aircraft, both the country of registry and the country to which the shipment was made shall be listed. Yugoslav End-Use Certificates and Swiss Blue Import Certificates covering

exports to these destinations shall be submitted as attachments to the report.

(2) If exports of commodities identified by the symbol "A" on the Commodity Control List have been made to Country Group W or Y under the SL Procedure, the monthly report shall show each of these shipments separately, the date of each shipment, and shall include the following additional information for each such commodity:

(i) A description of the equipment serviced in Commodity Control List terms;

(ii) The quantity or number and the value of such items of equipment serviced; and

(iii) The country in which the equipment was serviced.

(3) If the U.S. exporter has authorized his approved foreign-based service facility to reexport such commodities identified by the symbol "A" to Country Group W or Y, a similar monthly report shall be submitted in the same detail set forth above.

(4) In addition, the Office of Export Control may require additional reports regarding any aspect of exports or reexports under the provisions of this § 373.7.

(5) The reports shall be submitted in original only and transmitted to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

### PART 374—REEXPORTS

In § 374.3(d), subparagraph (1) is amended by deleting "Lebanon" from the listing of countries affected by this procedure.

### PART 379—TECHNICAL DATA

In § 379.3, paragraph (c) is amended to read as follows:

(c) *Patent applications.* (1) Data contained in a patent application prepared wholly from foreign origin technical data where such application is being sent to the foreign inventor to be executed and returned to the United States for subsequent filing in the U.S. Patent Office; or

(2) Data contained in an application, filed in accordance with the regulations of the U.S. Patent Office, for the foreign filing of a patent application, provided that (a) the patent application has been filed abroad in an "early publication country" or (b) the U.S. Patent Office has issued a notice that the patent has been scheduled for printing and publication in the U.S. Patent Office Official Gazette.

In § 379.5(e)(2), subdivision (x) is redesignated subdivision (xi) and a new

<sup>1</sup> The term "early publication country" used in this sentence and in this context only refers to Belgium, Costa Rica, Denmark, Ecuador, Finland, France, Honduras, Iceland, Jamaica, Luxembourg, Netherlands, Nicaragua, Norway, Panama, Portugal, Sweden, Trinidad, Turkey, Republic of South Africa, Uruguay, Venezuela, and West Germany (Federal Republic of Germany).



subdivision (x) is established to read as follows:

(x) Submersible watercraft other than military or naval types.\*

[F.R. Doc. 70-920; Filed, Jan. 23, 1970; 8:46 a.m.]

## Title 20—EMPLOYEES' BENEFITS

### Chapter V—Manpower Administration, Department of Labor

#### PART 625—DISASTER UNEMPLOYMENT ASSISTANCE

##### Provisions on "Deductions"

Pursuant to section 12, 83 Stat. 125; sections 1(9) and 3(b), E.O. 11495, 34 F.R. 18447; and the delegation of authority from the Director of the Office of Emergency Preparedness to the Secretary of Labor, published at 34 F.R. 19684, paragraph (b) of § 625.6 and paragraph (c) of § 625.8 of Title 20, Code of Federal Regulations, are hereby amended in the manner set forth below.

The purpose of the amendments is (1) to correct a reference in paragraph (b) of § 625.6, (2) to provide for additional deductions from the disaster unemployment assistance payable to an applicant in order to prevent duplication of payments, (3) to treat retirement pensions or annuities with respect to disaster unemployment assistance as they are treated under the applicable State unemployment compensation law, and (4) to make technical changes in the language of the deduction provisions to more clearly express the intent of such provisions.

The provisions of 5 U.S.C. 553 which require notice of proposed rule making, public participation in their adoption, and delay in effective date are not applicable because the regulations relate solely to public benefits, and further, notice, public participation, and delay is found not to be in the public interest which in this instance makes desirable the prompt payment of the assistance.

The amendments shall become effective on the date of their publication in the FEDERAL REGISTER.

1. Paragraph (b) of § 625.6 is amended to change the reference therein from "§ 625.6" to "§ 625.2(f)." As amended § 625.6 reads as follows:

§ 625.6 Eligibility.

(b) No disaster unemployment assistance shall be payable for a week of unemployment which begins earlier than the applicant's effective date of initial application as defined in § 625.2(f) or which is the result of a major disaster that occurs after December 31, 1970.

2. Paragraph (c) of § 625.8 is amended to read as follows:

\* Technical data relating to military or naval submersible watercraft are subject to the export licensing authority of the U.S. Department of State.

§ 625.8 Amount.

(c) Deductions. The disaster unemployment assistance payable to an applicant for a week shall be reduced by:

(1) the amount of unemployment compensation, or training allowance under the Manpower Development and Training Act of 1962, as amended (other than transportation and subsistence payments), or trade readjustment allowance under the Trade Expansion Act of 1962 or the Automotive Products Trade Act of 1965, which he has received or is seeking with respect to such week; but if the appropriate State agency finally determines that the applicant was not entitled to unemployment compensation, or any of the enumerated allowances with respect to such week, the reduction shall not apply with respect to such week;

(2) the amount of any private income protection insurance payable to the applicant with respect to the week;

(3) The amount of any compensation or insurance payable to the applicant from any source with respect to the week for loss of wages due to illness or disability;

(4) the amount of a retirement pension or annuity under a public or private retirement plan or system (including title II of the Social Security Act) prorated, where necessary, by weeks, but only if, and to the extent that, such amount would be deducted from unemployment compensation payable under the State law;

(5) any amount payable to the applicant with respect to such week as a supplemental unemployment benefit pursuant to a collective bargaining agreement; and

(6) one-half of any wages paid in the week for services performed in excess of 20 hours.

(Secs. 1(9) and 3(b) of E.O. 11495, 34 F.R. 18447; 34 F.R. 19684)

Signed at Washington, D.C., this 21st day of January, 1970.

GEORGE P. SHULTZ,  
Secretary of Labor.

[F.R. Doc. 70-947; Filed, Jan. 23, 1970; 8:48 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

#### PART 320—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

##### Effective Date Confirmation of Regulation for Exportation of Controlled Substances

On November 7, 1969, a notice was published in the FEDERAL REGISTER (34 F.R. 18042) stating that the Director,

Bureau of Narcotics and Dangerous Drugs, pursuant to the provisions of section 701 of the Food, Drug, and Cosmetic Act, 52 Stat. 1055, as amended (21 U.S.C. 371); and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611) and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.200 of Title 28 of the Code of Federal Regulations, proposed to establish definite procedures for the exportation of controlled dangerous substances to allow the efficient enforcement of the provisions of section 801(d) of the Act (21 U.S.C. 381).

After reviewing the comments received as a result of the notice mentioned in the preceding paragraph, the Director, Bureau of Narcotics and Dangerous Drugs, caused to be published in the FEDERAL REGISTER on December 13, 1969 (34 F.R. 19654) a new § 320.20, an amendment to Part 320 of Title 21 of the Code of Federal Regulations. Notice is hereby given that no objections were filed to the above-identified regulations, and accordingly, based on the authority cited in the preceding paragraph, § 320.20 became effective on January 12, 1970.

Dated: January 21, 1970.

JOHN E. INGERSOLL,  
Director, Bureau of  
Narcotics and Dangerous Drugs.

[F.R. Doc. 70-930; Filed, Jan. 23, 1970; 8:47 a.m.]

## Title 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

#### SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7023]

#### PART 46—REGULATIONS RELATING TO MISCELLANEOUS EXCISE TAXES PAYABLE BY RETURN

#### PART 47—DOCUMENTARY STAMP TAXES

##### Policies Issued by Foreign Insurers and Sugar Act Amendments of 1965

On March 27, 1969, notice of proposed rule making with respect to the amendment of the Miscellaneous Excise Tax Regulations (26 CFR Parts 46, 47) to reflect section 804 of the Excise Tax Reduction Act of 1965 (79 Stat. 160), relating to excise tax on policies issued by foreign insurers, to reflect sections 9 (b) and (c), 13, and 14 of the Sugar Act amendments of 1965 (79 Stat. 1271), and to delete obsolete portions of existing regulations relating to the tax on the first domestic processing of coconut and palm oil, was published in the FEDERAL REGISTER (34 F.R. 5739). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment as proposed is hereby adopted, subject to the following change. These regulations, supersede temporary regulations § 145.5-1, relating to the payment of the excise tax on policies issued by foreign insurers on the basis of a



return, prescribed in Treasury Decision 6868 (30 F.R. 15737, C.B. 1966-1, 593), approved December 17, 1965.

Section 46.4371-2, as set forth in paragraph (3) of the notice of proposed rule making, is changed by revising paragraph (c) (2).

[SEAL] RANDOLPH W. THROWER,  
Commissioner of Internal Revenue.

Approved: January 21, 1970.

EDWIN S. COHEN,  
Assistant Secretary  
of the Treasury.

In order to reflect section 804 of the Excise Tax Reduction Act of 1965 (79 Stat. 160), relating to the excise tax on policies issued by foreign insurers, to reflect sections 9 (b) and (c), 13, and 14 of the Sugar Act Amendments of 1965 (79 Stat. 1271), and to delete obsolete portions of existing regulations relating to the tax on the first domestic processing of coconut and palm oil, the excise tax regulations under Parts 46 and 47 are amended as follows:

PARAGRAPH 1. Section 46.0-1 is amended by revising paragraphs (a), (b), and so much of paragraph (c) as precedes subparagraph (1) thereof, to read as follows:

**§ 46.0-1 Introduction.**

(a) *In general.* The regulations in this part (Part 46, Subchapter D, Chapter I, Title 26 (1954), Code of Federal Regulations) relate to (1) the tax on policies issued by foreign insurers, (2) the tax on the manufacture of manufactured sugar imposed by chapter 37 of the Internal Revenue Code of 1954, (3) the tax on circulation other than of national banks imposed by subchapter E of chapter 39 of the Internal Revenue Code of 1954, and (4) certain related administrative provisions of subtitle F of the Internal Revenue Code of 1954. References in these regulations to the "Internal Revenue Code" or the "Code" are references to the Internal Revenue Code of 1954, as amended, unless otherwise indicated. References to a section or other provision of law are references to a section or other provision of the Internal Revenue Code, as amended, unless otherwise indicated.

(b) *Division of regulations.* The regulations in this part are divided into six subparts. Subpart A of this part contains provisions relating to the arrangement and numbering of the sections of the regulations in this part, general definitions and use of terms, scope of the regulations, and the extent to which the regulations in this part supersede prior regulations. Subpart A1 of this part relates to the excise tax imposed by section 4371 on policies issued by foreign insurers. Subpart B of this part relates to the excise tax on manufactured sugar. Subpart C of this part is reserved. Subpart D of this part relates to the regulatory taxes on circulation other than of national banks. Subpart E of this part relates to selected provisions of subtitle F (Procedure and Administration) of the Code which have special application to the taxes imposed by section 4371,

chapter 37, and subchapter E of chapter 39 of the Code.

(c) *Arrangement and numbering.* Each section of the regulations in Subparts A1, B, D, and E of this part is preceded by the section, subsection, or paragraph of the Internal Revenue Code which it interprets. The sections of the regulations can readily be distinguished from sections of the Code since—

PAR. 2. Section 46.0-3 is amended to read as follows:

**§ 46.0-3 Scope of regulations.**

The regulations in this part which relate to the taxes imposed on the manufacture of manufactured sugar and circulation other than of national banks, except where otherwise specifically provided, have application to transactions occurring after December 31, 1954. The regulations in this part which relate to the tax imposed on policies issued by foreign insurers have application to premiums paid on or after January 1, 1966.

PAR. 3. The following new Subpart A1 is added, after Subpart A, to Part 46, Subchapter D, Chapter I:

**Subpart A1—Tax on Policies Issued by Foreign Insurers**

<b>Sec.</b>	
46.4371	Statutory provisions; imposition of tax.
46.4371-1	Applicability of subpart.
46.4371-2	Imposition of tax on policies issued by foreign insurers; scope of tax.
46.4371-3	Rate and computation of tax.
46.4372	Statutory provisions; definitions.
46.4373	Statutory provisions; exemptions.
46.4374	Statutory provisions; payment of tax.
46.4374-1	Payment of tax.
46.4375	Statutory provisions; cross references.
46.4375-1	Cross references.

**Subpart A1—Tax on Policies Issued by Foreign Insurers**

**§ 46.4371 Statutory provisions; imposition of tax.**

SEC. 4371. *Imposition of tax.* There is hereby imposed, on each policy of insurance, indemnity bond, annuity contract, or policy of reinsurance issued by any foreign insurer or reinsurer, a tax at the following rates:

(1) *Casualty insurance and indemnity bonds.* Four cents on each dollar, or fractional part thereof, of the premium charged on the policy of casualty insurance or the indemnity bond, if issued to or for, or in the name of, an insured as defined in section 4372(d).

(2) *Life insurance, sickness, and accident policies, and annuity contracts.* One cent on each dollar, or fractional part thereof, of the premium charged on the policy of life, sickness, or accident insurance, or annuity contract, unless the insurer is subject to tax under section 819.

(3) *Reinsurance.* One cent on each dollar, or fractional part thereof, of the premium charged on the policy of reinsurance covering any of the contracts taxable under paragraph (1) or (2).

If the tax imposed by this section is paid on the basis of a return under regulations prescribed under section 4374, the tax under paragraphs (1), (2), and (3) shall be computed on the premium paid in lieu of the premium charged.

[Sec. 4371 as amended and in effect January 1, 1966]

**§ 46.4371-1 Applicability of subpart.**

The provisions of this subpart apply only to premiums paid on or after January 1, 1966. See Subpart H, Part 47 of this chapter for provisions relating to premiums paid or charged before January 1, 1966. If any portion of the tax imposed by section 4371 was paid on the basis of the premium charged before January 1, 1966, in accordance with the provisions of § 47.4371-2 of this chapter (documentary stamp tax), then, to the extent that such portion was paid by stamp, no further tax is due under the provisions of this subpart.

**§ 46.4371-2 Imposition of tax on policies issued by foreign insurers; scope of tax.**

(a) *Certain insurance policies, and indemnity, fidelity, or surety bonds.* Section 4371(1) imposes a tax upon each policy of insurance (other than those referred to in paragraph (b) of this section), upon each indemnity, fidelity, or surety bond, or upon each certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called, whereby a contract of insurance or an obligation in the nature of an indemnity, fidelity, or surety bond is made, continued, or renewed, if issued—

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as insurer (unless the policy or other instrument is signed or countersigned by an officer or agent of the insurer in a State, Territory, or the District of Columbia in which the insurer is authorized to do business); and either

(2) To or for, or in the name of, a domestic corporation, domestic partnership, or an individual resident of the United States, against or with respect to hazards, risks, losses, or liabilities wholly or partly within the United States; or

(3) To or for, or in the name of, a foreign corporation, foreign partnership, or nonresident individual, engaged in a trade or business within the United States with respect to hazards, risks, or liabilities wholly within the United States.

For definition of the term "indemnity bond," see section 4372(c).

(b) *Life insurance, sickness, and accident policies, and annuity contracts.* Unless the insurer is subject to tax under section 819, section 4371(2) imposes a tax upon each policy of insurance or annuity contract, or upon each certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called, whereby a contract of insurance or an annuity contract is made, continued, or renewed, if issued—

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as insurer (unless the policy or other instrument is signed or countersigned by an officer or agent of the insurer in a State, Territory, or the District of Columbia in which such insurer is authorized to do business); and



(2) To any person with respect to the life or hazards to the person of a citizen or resident of the United States.

(c) *Reinsurance.* Section 4371(3) imposes a tax upon each policy of reinsurance, certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called, whereby a contract of reinsurance is made, continued, or renewed, if issued—

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as reinsurer (unless the policy or other instrument is signed or countersigned by an officer or agent of the reinsurer in a State, Territory, or the District of Columbia in which such reinsurer is authorized to do business); and

(2) To any person against, or with respect to, any of the hazards, risks, losses, or liabilities covered by contracts of the type described in section 4371 (1) or (2).

(d) *Exempt indemnity bonds.* The tax imposed by section 4371 does not apply to any indemnity bond described in section 4373(2).

**§ 46.4371-3 Rate and computation of tax.**

(a) *Rate of tax.* (1) The tax under section 4371(1) is imposed at the rate of 4 cents on each dollar, or fractional part thereof, of the premium payment.

(2) The tax under section 4371 (2) and (3) is imposed at the rate of 1 cent on each dollar, or fractional part thereof, of the premium payment.

(b) *Meaning of premium payment.* For purposes of this subpart, the term "premium payment" means the consideration paid for assuming and carrying the risk or obligation, and includes any additional assessment or charge paid under the contract, whether payable in one sum or installments.

**§ 46.4372 Statutory provisions; definitions.**

SEC. 4372. *Definitions.*—(a) *Foreign insurer or reinsurer.* For purposes of this subchapter, the term "foreign insurer or reinsurer" means an insurer or reinsurer who is a nonresident alien individual, foreign partnership, or a foreign corporation. The term includes a nonresident alien individual, foreign partnership, or foreign corporation which shall become bound by an obligation of the nature of an indemnity bond.

(b) *Policy of casualty insurance.* For purposes of section 4371(1), the term "policy of casualty insurance" means any policy (other than life) or other instrument by whatever name called whereby a contract of insurance is made, continued, or renewed.

(c) *Indemnity bond.* For purposes of this subchapter, the term "indemnity bond" means any instrument by whatever name called whereby an obligation of the nature of an indemnity, fidelity, or surety bond is made, continued, or renewed. The term includes any bond for indemnifying any person who shall have become bound or engaged as surety, and any bond for the due execution or performance of any contract, obligation, or requirement, or the duties of any office or position, and to account for money received by virtue thereof, where a premium is charged for the execution of such bond.

(d) *Insured.* For purposes of section 4371 (1), the term "insured" means—

(1) A domestic corporation or partnership, or an individual resident of the United States, against, or with respect to, hazards, risks, losses, or liabilities wholly or partly within the United States, or

(2) A foreign corporation, foreign partnership, or nonresident individual, engaged in a trade or business within the United States, against, or with respect to, hazards, risks, losses, or liabilities within the United States.

(e) *Policy of life, sickness, or accident insurance, or annuity contract.* For purposes of section 4371(2), the term "policy of life, sickness, or accident insurance, or annuity contract" means any policy or other instrument by whatever name called whereby a contract of insurance or an annuity contract is made, continued, or renewed with respect to the life or hazards to the person of a citizen or resident of the United States.

(f) *Policy of reinsurance.* For purposes of section 4371(3), the term "policy of reinsurance" means any policy or other instrument by whatever name called whereby a contract of reinsurance is made, continued, or renewed against, or with respect to, any of the hazards, risks, losses, or liabilities covered by contracts taxable under paragraph (1) or (2) of section 4371.

[Sec. 4372 as amended and in effect Jan. 1, 1966]

**§ 46.4373 Statutory provisions; exemptions.**

SEC. 4373. *Exemptions.* The tax imposed by section 4371 shall not apply to—

(1) *Domestic agent.* Any policy, indemnity bond, or annuity contract signed or countersigned by an officer or agent of the insurer in a State, Territory, or District of the United States within which such insurer is authorized to do business.

(2) *Indemnity bond.* Any indemnity bond required to be filed by any person to secure payment of any pension, allowance, allotment, relief, or insurance by the United States, or to secure a duplicate for, or the payment of, any bond, note, certificate of indebtedness, war-saving certificate, warrant, or check, issued by the United States.

[Sec. 4373 as amended and in effect Jan. 1, 1966]

**§ 46.4374 Statutory provisions; payment of tax.**

SEC. 4374. *Payment of tax.* Any person to or for whom or in whose name any policy, indemnity bond, or annuity contract referred to in section 4371 is issued, or any solicitor or broker acting for or on behalf of such person in the procurement of any such instrument shall affix the proper stamps to such instrument. Notwithstanding the preceding sentence, the Secretary or his delegate may, by regulations, provide that the tax imposed by section 4371 shall be paid on the basis of a return.

[Sec. 4374 as amended and in effect Jan. 1, 1966]

**§ 46.4374-1 Payment of tax.**

(a) *In general.* In the case of premiums paid on or after January 1, 1966, the tax imposed by section 4371 shall be paid on the basis of a return. Such tax shall be remitted by the person who makes the payment of the premium to a foreign insurer or reinsurer or to any nonresident agent, solicitor, or broker. For purposes of this paragraph, the person who makes payment means that resident person who actually transfers the money,

check, or its equivalent to the foreign insurer or reinsurer (including transfers to any bank, trust fund, or similar recipient, designated by the foreign insurer or reinsurer), or to any nonresident agent, solicitor, or broker. (See section 4372(a) for definition of foreign insurer or reinsurer.) For persons liable for the tax imposed by section 4371, see section 4384 and the regulations thereunder.

(b) *When liability for tax attaches.* The liability for the tax imposed by section 4371 shall attach at the time the premium payment is transferred to the foreign insurer or reinsurer (including transfers to any bank, trust fund, or similar recipient, designated by the foreign insurer or reinsurer), or to any nonresident agent, solicitor, or broker. A person required to remit tax under this section may remit such tax before the time the tax attaches if he keeps records consistent with such practice.

(c) *Penalty for failure to pay tax.* Any person who on or after January 1, 1966, fails to comply with the requirements of paragraph (a) of this section with intent to evade the tax shall, in addition to other penalties provided therefor, pay a fine of double the amount of tax. (See section 7270.)

**§ 46.4375 Statutory provisions; cross references.**

SEC. 4375. *Cross references.* For penalties and other general and administrative provisions, see section 4384 and subtitle F.

[Sec. 4375 as amended and in effect January 1, 1966]

**§ 46.4375-1 Cross references.**

For general and administrative provisions, see Subpart E of this part and the applicable sections of subtitle F and the regulations in Part 301 of this chapter (Regulations on Procedure and Administration).

PAR. 4. Section 46.4501 and the historical note thereto are amended as follows:

**§ 46.4501 Statutory provisions; imposition of tax.**

SEC. 4501. *Imposition of tax.*—(a) *General.* \* \* \*

(b) *Termination of tax.* No tax shall be imposed under this subchapter on the manufacture or use of sugar or articles composed in chief value of sugar after June 30, 1972. Notwithstanding the provisions of subsection (a), no tax shall be imposed under this subchapter with respect to unsold sugar held by a manufacturer on June 30, 1972, or with respect to sugar or articles composed in chief value of sugar held in customs custody or control on such date.

[Sec. 4501 as amended by sec. 19, Act of May 29, 1956 (Pub. Law 545, 84th Cong., 70 Stat. 221); sec. 162(b), Excise Tax Technical Changes Act 1958 (72 Stat. 1306); sec. 2, Act of July 6, 1960 (Pub. Law 86-592, 74 Stat. 330); sec. 2(a), Act of March 31, 1961 (Pub. Law 87-15, 75 Stat. 40); sec. 302 (a) and (b), Tariff Classification Act 1962 (76 Stat. 77); sec. 18(a), Sugar Act Amendments 1962 (76 Stat. 166); sec. 13, Sugar Act Amendments 1965 (79 Stat. 1280)]

**§§ 46.4511-46.4514 [Deleted]**

PAR. 5. Subpart C of Part 46 is deleted and reserved.



PAR. 6. Section 46.6001-1 is amended by revising paragraph (c) to read as follows:

**§ 46.6001-1 Records in general.**

(c) *Records of claimants.* Any person who, pursuant to the regulations in this part, claims a refund, credit, or abatement shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) of this section and by §§ 46.6001-2 to 46.6001-4, inclusive, which relate to the claim.

**§ 46.6001-3 [Deleted]**

PAR. 7. Section 46.6001-3 is deleted and reserved.

PAR. 8. A new § 46.6001-4 is added to read as follows:

**§ 46.6001-4 Records required with respect to foreign insurance policies.**

(a) Each person required under the provisions of § 46.4374-1 to remit the tax imposed by section 4371 shall keep or cause to be kept accurate records of all policies or other instruments subject to such tax upon which premiums have been paid. Such records must identify each such policy or other instrument in such a manner as to clearly establish the following: (1) The gross premium paid; (2) whether such policy or other instrument is (i) a policy of casualty insurance or an indemnity bond subject to tax under section 4371(1), (ii) a policy of life, sickness, or accident insurance or an annuity contract subject to tax under section 4371(2), or (iii) a policy of reinsurance subject to tax under section 4371(3); (3) the identity of the insured (as defined in section 4372(d)); (4) the identity of the foreign insurer or reinsurer (as defined in section 4372(a)); and (5) the total premium charged and, if the premium is to be paid in installments, the amount and anniversary date of each such installment.

(b) The records required under the provisions of this section must be kept on file at the place of business or at some other convenient location, for a period of at least 3 years from the date any part of the tax became due or the date any part of the tax is paid, whichever is later, in such manner as to be readily accessible to authorized internal revenue officers or employees. The person having control or possession of a policy or other instrument subject to tax under section 4371 shall retain such policy or other instrument for at least 3 years from the date any part of the tax with respect to such policy was paid.

PAR. 9. Section 46.6011(a)-1 is amended by revising paragraph (a) to read as follows:

**§ 46.6011(a)-1 Returns.**

(a) *In general.* Liability for tax imposed under section 4371 or 4501(a) shall be reported on Form 720. Except as provided in paragraph (b) of this section, a return on Form 720 shall be filed for

a period of one calendar quarter. Every person required to make a return on Form 720 for a return period ended December 31, 1954, shall make a return for each subsequent calendar quarter, month, or semimonthly period (whether or not liability was incurred for any tax reportable on such return for such return period) until he has filed a final return in accordance with § 46.6011(a)-2. Every person not required to make a return on Form 720 for a return period ended December 31, 1954, shall make a return for the first calendar quarter thereafter in which he incurs liability for tax imposed under section 4371 or 4501(a) and shall make a return for each subsequent calendar quarter, month, or semimonthly period until he has filed a final return in accordance with § 46.6011(a)-2.

PAR. 10. Section 46.6109-1 is amended by revising paragraphs (a) and (b) to read as follows:

**§ 46.6109-1 Employer identification numbers.**

(a) *Requirement of application—(1) In general.* An application on Form SS-4 for an employer identification number shall be made by every person who performs any manufacturing or processing operation with respect to which a tax is imposed by section 4501(a), or who is required to remit the tax imposed by section 4371, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS-4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS-4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

(2) *Time for filing Form SS-4.* The application for an employer identification number shall be filed on or before the seventh day after the date of performance, by the person who is required to make the application, of the first manufacturing or processing operation with respect to which a tax is imposed by section 4501(a). The application for an employer identification number shall be filed on or before the seventh day after the date on which the person who is required to make the application makes a premium payment (on or after Jan. 1,

1966) upon which he is required to remit the tax imposed by section 4371.

(b) *Use of employer identification number.* The employer identification number assigned to a person liable for the tax imposed by section 4501(a) shall be shown in any return, statement, or other document made by such person. The employer identification number assigned to a person required to remit the tax imposed by section 4371 shall be shown in any return, statement, or other document made by such person for any period commencing on or after January 1, 1966.

PAR. 11. Section 46.6418 and the historical note thereto are amended to read as follows:

**§ 46.6418 Statutory provisions; credits and refunds of the tax on sugar.**

Sec. 6418. *Sugar—(a) Use as livestock feed or for distillation or production of alcohol.* Upon the use of any manufactured sugar, or article manufactured therefrom, as livestock feed, or in the production of livestock feed, or for the distillation of alcohol, or for the production of alcohol (other than alcohol produced for human food consumption), there shall be paid by the Secretary or his delegate to the person so using such manufactured sugar, or article manufactured therefrom, the amount of any tax paid under section 4501 with respect thereto.

[Sec. 6418 as amended by sec. 21(b), Act of May 29, 1956 (Public Law 545; 84th Cong., 70 Stat. 221); sec. 302(c), Tariff Classification Act 1962 (76 Stat. 77); sec. 9(b), Sugar Act Amendments 1965 (79 Stat. 1278)]

PAR. 12. Section 46.6418-1 is amended to read as follows:

**§ 46.6418-1 Sugar used as livestock feed or for distillation or production of alcohol.**

(a) *Claims for payment.* Any person using any manufactured sugar, or an article manufactured therefrom, with respect to which a tax has been paid under section 4501(a), (1) as livestock feed, (2) in the production of livestock feed, (3) for the distillation of alcohol, or (4) for the production (on or after Nov. 8, 1965) of alcohol (other than alcohol produced for human food consumption), may file a claim for payment of the amount of tax paid thereon. The claim shall be executed by the claimant on Form-843 in the manner prescribed in § 301.6402-2 of this chapter (Regulations on Procedure and Administration), except that, after June 30, 1969, any such claim shall be filed with the service center serving the internal revenue district in which the claimant's principal place of business is located. For periods prior to July 1, 1969, any such claim shall be filed with the district director of internal revenue for the district in which the claimant's principal place of business is located. Hand-carried claims may be filed in accordance with paragraph (b) of § 301.6091-1 of this chapter. No interest shall be paid in respect of any such claim.

(b) *Proof of claim.* No claim for payment under section 6418(a) of the tax



paid under section 4501(a) will be allowed unless the claimant establishes to the satisfaction of the district director—

(1) That the tax with respect to the manufactured sugar upon which the claim is based was actually paid;

(2) That the manufactured sugar, or article manufactured therefrom, was actually used in the production of livestock feed, or as livestock feed, or for the distillation of alcohol, or for the production (on or after Nov. 8, 1965) of alcohol (other than alcohol produced for human food consumption);

(3) The quantity and test of the manufactured sugar upon which the claim is based; and

(4) Such other facts as may be required to determine the claimant's right to the payment.

PAR. 13. Section 46.6418-2 is amended by revising paragraph (b) to read as follows:

**§ 46.6418-2 Sugar exported.**

(b) *Claim for payment.* Claim for payment shall be executed by the claimant on Form 843, in the manner prescribed in § 301.6402-2 of this chapter (Regulations on Procedure and Administration), except that, after June 30, 1969, any such claim shall be filed with the service center serving the internal revenue district in which the claimant's principal place of business is located. For periods prior to July 1, 1969, any such claim shall be filed with the district director of internal revenue for the district in which the claimant's principal place of business is located. Hard-carried claims may be filed in accordance with paragraph (b) of § 301.6091-1 of this chapter. No interest shall be paid in respect of any such claim.

PAR. 14. Section 46.6511(e) is amended by revising the title of paragraph (1) of section 6511(e) and adding a historical footnote to read as follows:

**§ 46.6511(e) Statutory provisions; limitations on credit or refund.**

Sec. 6511. *Limitations on credit or refund.* . . .

(e) *Special rules in case of manufactured sugar—(1) Use as livestock feed or for distillation or production of alcohol.* . . .

[Sec. 6511(e) as amended by sec. 9(c), Sugar Act Amendments 1965 (79 Stat. 1278)]

PAR. 15. Section 46.6511(e)-1 is amended by revising the title of paragraph (a) to read as follows:

**§ 46.6511(e)-1 Special rules applicable to manufactured sugar.**

(a) *Use as livestock feed and for distillation or production of alcohol.* . . .

PAR. 16. A new § 47.4371-0 is added, following § 47.4371, to read as follows:

**§ 47.4371-0 Applicability of subpart.**

The provisions of this subpart apply only to premiums charged or paid before January 1, 1966. See Subpart A1, Part 46 of this chapter for provisions relating

to premiums paid on or after January 1, 1966.

(Secs. 4374 and 7805 of the Internal Revenue Code of 1954; 68A Stat. 522, 917; 26 U.S.C. 4374, 7805)

[F.R. Doc. 70-941; Filed, Jan. 23, 1970; 8:48 a.m.]

## Title 39—POSTAL SERVICE

### Chapter I—Post Office Department MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are amended as follows:

#### PART 132—SECOND CLASS

##### § 132.1 [Amended]

Section 132.1 is amended to eliminate obsolete rate information. Accordingly, in § 132.1 Rates (34 F.R. 13870), make the following changes:

1. In paragraph (a)(1) the information appearing under Rates opposite Category 2 is amended to read as follows:

##### RATES

1.5 cents per pound or fraction of a pound.  
0.2 cent minimum charge per piece.

2. In paragraph (a) subparagraph (2) is redesignated as subparagraph (3); and new subparagraph (2) is inserted reading as follows:

(2) *When mailed at office of additional entry.* The 1.5 cents per pound and 0.2 cent minimum charge prescribed by Category 2 above also apply to copies of publications of whatever frequency mailed at an office of additional entry located within the county (see restriction in § 132.3(c)(4) where published and entered, to addresses residing within the county, for delivery at all offices within or without the county including the office of additional entry by whatever delivery services are provided.

NOTE: The corresponding Postal Manual sections are 132.111 and 132.112.

3. In paragraph (b)(1), subdivision (i), delete the column headed "Jan. 1, 1969".

4. In paragraph (b)(2), subdivision (i), delete the column headed "Jan. 1, 1969".

NOTE: The corresponding Postal Manual sections are 132.121 and 132.122.

#### PART 133—CONTROLLED CIRCULATION PUBLICATIONS

Sections 133.1 and 133.2 are amended by updating the tabular data and changing office designations.

##### § 133.1 [Amended]

1. In § 133.1 *Rates* amend the tabular data by deleting the columns headed January 7, 1968 and January 1, 1969.

NOTE: The corresponding Postal Manual section is 133.1.

##### § 133.2 [Amended]

2. In § 133.2 *Permits*, amend paragraph (b) to read as follows:

(b) *Applications.* Apply by letter to the postmaster at the office where mailings are to be made. A form is not provided for this kind of application. State the name of the publication, frequency of issue, where published, the name of the publisher, and whether the publication is circulated free or mainly free. Submit two copies of the issue published nearest the date of application. The postmaster will submit the application and one copy of the publication to the Office of Mail Classification, Bureau of Finance and Administration. Notice of authorization or disapproval will be furnished by the Director.

NOTE: The corresponding Postal Manual section is 133.2.

#### PART 134—THIRD CLASS

I. Section 134.4 is amended to provide that an alphabetical record of patrons who have paid the annual \$30 fee for bulk third-class mailing privileges must be kept.

##### § 134.4 [Amended]

In § 134.4 *Preparation—payment of postage*, amend paragraph (b)(1) to read as follows:

(1) *Annual fee.* A fee of \$30 must be paid once each calendar year by or for any person who mails at the bulk third-class rates. Any person who engages a business concern or another individual to mail for him must pay the \$30 fee. A permit is not issued for this fee. It is separate from the \$15 fee that must be paid for a permit to mail under the permit imprint system (§ 144.1). An alphabetical record of patrons who have paid the \$30 fee must be kept at the weighing section or any other place where bulk mailings are accepted and cleared. The record must show whether the mailer has been authorized to mail as one of the organizations or associations named in § 134.5.

NOTE: The corresponding Postal Manual section is 134.421.

II. Section 134.5 is amended to change captions and office designations; and to provide for recognition of income tax exemption as a basis for authorizing mailings as special third-class rates.

In § 134.5 *Nonprofit organizations*, make the following changes:

1. Amend the section caption to read as follows:

##### § 134.5 Qualification requirements and application procedure for special third-class rates.

2. Amend paragraph (a) to read as follows:

(a) *Eligibility—(1) Kinds of organizations or associations that may qualify.* Only the following organizations or associations not organized for profit and none of the net income of which benefits any private stockholder or individual may be authorized to mail pieces at the rates provided by § 134.1(b)(1) and (2).

- (i) Religious.
- (ii) Educational.
- (iii) Scientific.
- (iv) Philanthropic.
- (v) Agricultural.



- (vi) Labor.
- (vii) Veterans.
- (viii) Fraternal.

(2) *Organizations granted income tax exemption.* When an organization submits proof that it has been granted income tax exemption under title 26, United States Code, section 501(c)(3), as a religious, educational, scientific, or philanthropic (charitable) organization, or under section 501(c)(8), as a fraternal organization, it will be considered as qualifying for the special third-class rate unless the available evidence discloses some disqualification.

(3) *Examples of organizations or associations that may not qualify.* The following and similar organizations do not come within the prescribed categories even though they may be organized on a nonprofit basis: Automobile clubs; business leagues; chamber of commerce; citizens' and civic improvement associations; individuals; municipal, county, or State governmental bodies; mutual insurance associations; political organizations; service clubs such as Civitan, Kiwanis, Lions, Optimist, and Rotary; social and hobby clubs; associations of rural electric cooperatives; and trade associations.

NOTE: The corresponding Postal Manual section is 134.51.

3. In paragraph (b)(3), and also paragraph (d) change the designation "Bureau of Operations, Classification and Special Services Division" to "Bureau of Finance and Administration, Office of Mail Classification".

#### PART 135—FOURTH CLASS

I. In § 135.5 *Additions*, amend the section caption to read as follows:

##### § 135.5 Enclosures and additions.

II. Section 135.6 is amended to include additional enclosures now permissible in mailings at the fourth-class catalogue rate.

In § 135.6 *Enclosures*, make the following changes:

1. Amend the section caption to read as follows:

##### § 135.6 Enclosures with items mailed at catalog, special fourth-class, and library rate.

2. Amend paragraph (a) to read as follows:

(a) *Catalogs and similar printed advertising matter in bound form.* The following may be enclosed loose or attached in items mailed at the postage rates shown in §§ 135.1(b)(1) and (2):

(1) Order forms, reply envelopes and cards, circulars, and miscellaneous types of printed advertising sheets.

(2) An invoice as provided for by § 135.5(b)(2).

Samples of merchandise may be attached to the bound pages and to the loose enclosures.

NOTE: The corresponding Postal Manual section is 135.61.

#### PART 137—OFFICIAL MAIL

##### § 137.9 [Amended]

In § 137.9 *General instructions*, change the designation "Bureau of Operations, Classification and Special Services Division", which appears in paragraph (a), to "Bureau of Finance and Administration, Office of Mail Classification".

NOTE: The corresponding Postal Manual section is 137.9.

#### PART 138—FOR THE BLIND AND OTHER HANDICAPPED PERSONS

Section 138.2 is amended to clarify instructions regarding free mailing of matter for the blind or physically handicapped.

##### § 138.2 [Amended]

In § 138.2 *Items mailable free*, paragraph (f) is amended, and new paragraph (g) is added, to read as follows:

(f) Braille writers or typewriters, or parts thereof, used for writing by or specifically designed or adapted for use of a blind person or a person having a physical impairment as described in § 138.1(a).

(g) Educational or other materials or devices, or parts thereof, specifically designed or adapted for use of a blind person or a person having a physical impairment as described in § 138.1(a).

NOTE: The corresponding Postal Manual section is 138.2 f and g.

#### PART 153—MAIL DEPOSIT AND COLLECTION

Section 153.6 is amended to permit the use of polycarbonate resin sheet in place of glass in the manufacture and installation of mail chutes.

##### § 153.6 [Amended]

In § 153.6 *Mail chutes and receiving boxes*, amend subdivision (i) of paragraph (c)(2) to read as follows:

(i) Every mailing chute must be made entirely of metal and glass. The metal parts of the chute must be of such form, weight, and character as to insure rigidity, security, and durability. Panel moldings must be of metal of suitable strength and resilience to insure a constant grip on the glass. At least three-fourths of the front of the chute in each story must be of tempered glass not less than three-sixteenths of an inch in thickness or heavy sheet or plate glass not less than one-fourth of an inch in thickness or transparent polycarbonate resin plate of equal or greater strength than the tempered glass specified. All joints in the chute must be tight so that mail matter cannot catch or lodge therein. Slip joint construction shall be utilized whereby the upper section will fit into the end of the lower section providing an overlap of not less than two inches.

NOTE: The corresponding Postal Manual section is 153.632a.

(5 U.S.C. 301, 39 U.S.C. 501, 505, 4351, 4421-22, 4451-53, 4654, 6004.)

DAVID A. NELSON,  
General Counsel.

JANUARY 20, 1970.

[F.R. Doc. 70-916; Filed, Jan. 23, 1970; 8:46 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service,  
General Services Administration

### PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

#### Controversial Awards and Extension of Bid Acceptance Time

The table of contents of Part 5A-2 is amended to add the following new entry:

5A-2.407-71 Awards involving related cases referred to higher authority.

#### Subpart 5A-2.4—Opening of Bids and Award of Contract

1. Subpart 5A-2.4 is amended by the addition of new § 5A-2.407-71, as follows:

§ 5A-2.407-71 Awards involving related cases referred to higher authority.

When a case is to be or has been referred to higher authority for review, any action which might prejudice the freedom of higher authority to act on that case must be avoided. This includes other awards to the same bidder under the same solicitation.

2. Section 5A-2.407-72 (a)(1), (a)(3), and (c) is revised to read as follows:

§ 5A-2.407-72 Extension of time for bid acceptance.

(a)(1) Promptly after bids have been tabulated, and except as provided in subparagraphs (2) and (3), of this paragraph, a request for an extension of bid acceptance time shall be sent to each bidder who may be in line for award and whose bid specifies a bid acceptance time which is considered by the contracting officer to be insufficient for proper bid evaluation and award. Likewise, if later it becomes apparent to the contracting officer that he may be unable to make award within the specified acceptance time, he promptly shall request such acceptance time extensions as are necessary. If the case in question has been referred to another organizational element for action, that organizational element shall be notified of any extension obtained and requested to complete its action in time to permit the making of awards within the extended time.

(2) \* \* \*

(3) A bidder whose bid is determined by the contracting officer and assigned legal counsel to be unacceptable shall not be requested, or otherwise given an opportunity to extend the time for bid acceptance.

\* \* \* \* \*



(c) In the event a bidder does not grant the additional bid acceptance time requested, special action shall be taken to accomplish acceptance within the time allowed by the bidder (see § 5A-2.407-1). If it appears that it may become necessary to permit the bid to expire, the contracting officer shall, as soon as this fact becomes apparent to him, and in any event before expiration of the bid, refer the case to the Director, Procurement Operations Division; the Director, Special Programs Division; the Director, ADP Procurement Division; or the Regional Director, FSS, as appropriate, for decision.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

**Effective date.** These regulations are effective upon publication in the **FEDERAL REGISTER**.

Dated: January 16, 1970.

L. E. SPANGLER,  
Acting Commissioner,  
Federal Supply Service.

[F.R. Doc. 70-911; Filed, Jan. 23, 1970; 8:46 a.m.]

## Chapter 50—Public Contracts, Department of Labor

### PART 50-204—SAFETY AND HEALTH STANDARDS FOR FEDERAL SUP- PLY CONTRACTS

#### Miscellaneous Amendments to Part

**Typographical or clerical corrections and other minor changes** are made in Part 50-204 of Title 41, Code of Federal Regulations (as revised on May 20, 1969, 34 F.R. 7946-7954) in the manner indicated below. To the extent that substantive rules may be made in §§ 50-204.7 and 50-204.10, notice and public procedure is found unnecessary because only minor amendments are involved.

The changes shall be effective upon publication in the **FEDERAL REGISTER**, except those made in §§ 50-204.7 and 50-204.10, which shall be effective 30 days following their publication in the **FEDERAL REGISTER**.

Part 50-204 of Title 41, Code of Federal Regulations, is hereby amended as follows:

1. Paragraph (a) of § 50-204.2 is amended in order to replace the name of the "United States of America Standards Institute (American Standards Association)" with that of the "American National Standards Institute, Incorporated". As amended, § 50-204.2 reads as follows:

§ 50-204.2 General safety and health standards; incorporation by reference.

(a) Every contractor shall protect the safety and health of his employees by complying with the applicable standards, specifications, and codes developed and published by the following organizations:

American National Standards Institute Incorporated.  
National Fire Protection Association.

American Society of Mechanical Engineers.

American Society for Testing and Material.

United States Governmental Agencies, including by way of illustration the following publications of the indicated agencies:

(3) U.S. Department of Transportation.

(49 CFR Parts 171-179, 390-397, and 14 CFR Part 103)

2. Paragraph (e) of § 50-204.3 as published at 34 F.R. 7948 is corrected by changing the word "off" to "of" and reads as follows:

§ 50-204.3 Material handling and storage.

(e) Clearance signs to warn of clearance limits shall be provided.

3. Paragraph (a) of § 50-204.6 as published at 34 F.R. 7948 is corrected by changing the word "matter" to "matters" as corrected reads as follows:

§ 50-204.6 Medical services and first aid.

(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of plant health.

4. Section 50-204.7 is amended to read as follows:

§ 50-204.7 Personal protective equipment.

Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in function of any part of the body through absorption, inhalation or physical contact. Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance and sanitation of such equipment. All personal protective equipment shall be of safe design and construction for the work to be performed.

5. Paragraphs (c) and (d) of § 50-204.10 are amended to read as follows:

§ 50-204.10 Occupational noise exposure.

(c) If the variations in noise level involve maxima at intervals of 1 second or less, it is to be considered continuous.

(d) In all cases where the sound levels exceed the values shown herein, a continuing, effective hearing conservation program shall be administered.

TABLE I

PERMISSIBLE NOISE EXPOSURES<sup>1</sup>

Duration per day, hours	Sound level dBA slow response
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

<sup>1</sup> When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect should be considered, rather than the individual effect of each. If the sum of the following fractions:  $C_1/T_1 + C_2/T_2 + \dots + C_n/T_n$  exceeds unity, then, the mixed exposure should be considered to exceed the limit value.  $C_n$  indicates the total time of exposure at a specified noise level, and  $T_n$  indicates the total time of exposure permitted at that level.

Exposure to impulsive or impact noise should not exceed 140 dB peak sound pressure level.

6. Table I of § 50-204.50 at 34 F.R. 7053 is corrected as follows:

§ 50-204.50 [Amended]

TABLE I

	8-hour time weighted average
Toluene (Z37.12-1967)	200 p.p.m.
Formaldehyde (Z37.16-1967)	3 p.p.m.
Carbon tetrachloride (Z37.17-1967)	10 p.p.m.
Trichloroethylene (Z37.19-1967)	100 p.p.m.
Tetrachloroethylene (Z37.22-1967)	100 p.p.m.
Hydrogen fluoride (Z37.28-1966)	3 p.p.m.
Fluoride dust as F (Z37.28-1966)	2.5 mg/M <sup>3</sup>
Carbon disulfide (Z37.3-1968)	20 p.p.m.
	Acceptable ceiling concentration
Hydrogen sulfide (Z37.2-1966)	20 p.p.m.

7. Section 50-204.70 is amended to read as follows:

§ 50-204.70 Compressed gases.

The in-plant handling, storage, and utilization of all compressed gases in cylinders, portable tanks, rail tankcars, or motor vehicle cargo tanks shall be in accordance with Compressed Gas Association Pamphlet P-1-1965.

8. Section 50-204.72 is amended to read as follows:

§ 50-204.72 Safe practices for welding and cutting on containers which have held combustibles.

Welding or cutting, or both, on containers which have held flammable or combustible solids, liquids, or gases, or have contained substances which may produce flammable vapors or gases will not be attempted until the containers have been thoroughly cleaned, purged, or inerted in strict accordance with the rules and procedures embodied in American Welding Society Pamphlet A-6.0-65, edition of 1965.

9. Section 50-204.75 is amended to read as follows:



## § 50-204.75 Transportation safety.

Any requirements of the U.S. Department of Transportation under 49 CFR Parts 171-179 and Parts 390-397 and 14 CFR Part 103 shall be applied to transportation under contracts which are subject to the Walsh-Healey Public Contracts Act. See also § 204.2(a)(3) of this part. When such requirements are not otherwise applicable, Chapters 10, 11, 12, and 14 of the Uniform Vehicle Code of the National Committee on Uniform Traffic Laws and Ordinances, 1962 edition, shall be applied whenever pertinent.

(Secs. 1, 4, 49 Stat. 2036, 2038, as amended; 41 U.S.C. 35, 38)

Signed at Washington, D.C., this 21st day of January 1970.

GEORGE P. SHULTZ,  
Secretary of Labor.

[F.R. Doc. 70-946; Filed, Jan. 23, 1970;  
8:48 a.m.]

## Title 49—TRANSPORTATION

### Chapter III—Federal Highway Administration, Department of Transportation

#### SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

#### APPENDIX B—SPECIAL AGENTS

##### Designation and Authority

Sections 6(e) and 6(f)(2)(A) of the Department of Transportation Act (49 U.S.C. 1655(e), (f)(2)(A)) transferred to the Department the regulatory and concomitant administrative powers over the safety of operation and hours of service of employees of motor carriers formerly possessed by the Interstate Commerce Commission. These powers were subsequently delegated to the Federal Highway Administrator by the Secretary of Transportation (49 CFR 1.4(c)). Under this delegation of authority, the Administrator has the power to appoint special agents to aid in the collection of data concerning the property, equipment, and documents of the motor carriers subject to the Interstate Commerce Act, Department of Transportation Act, and other related Acts. The Administrator's authority is usually exercised through the Bureau of Motor Carrier Safety.

In order to clarify existing authority and to reflect changes in the titles of certain positions, the Administrator is amending 49 CFR, Chapter III, by adding Appendix B, formerly designating certain Federal Highway Administration employees as special agents of the Administration and providing for the appointment of other persons as special agents. The Administration personnel employed to aid in the enforcement of 18 U.S.C. 831-835, relating to explosives and other dangerous articles, and the employees within the Bureau of Motor Carrier Safety listed below are designated as special agents. Authority to act as special agents may also be extended to such other persons as the Administrator or Director of the Bureau of

Motor Carrier Safety may specify in writing.

As special agents, these persons have the authority to inspect the lands, buildings, and equipment of motor carriers subject to the Interstate Commerce Act, Department of Transportation Act, or other related Acts and to examine and copy their documents. The motor carriers must grant these special agents access to their property, equipment, and documents upon presentation of proper credentials.

Since this amendment relates to organization of the Federal Highway Administration and imposes no additional burden on any person, notice and opportunity to comment thereon are unnecessary. The amendment becomes effective on publication in the FEDERAL REGISTER.

This amendment is issued under the authority of sections 20 and 220 of the Interstate Commerce Act (49 U.S.C. 20, 320), section 6 of the Department of Transportation Act (49 U.S.C. 1655) and the delegation of authority by the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

In consideration of the foregoing, Title 49 of the Code of Federal Regulations is amended by adding a new Appendix B at the end of Subchapter B of Chapter III thereof to read as set forth below.

Issued on January 16, 1970.

F. C. TURNER,  
Federal Highway Administrator.

#### APPENDIX B—SPECIAL AGENTS

1. *Authority.* Persons appointed as special agents of the Federal Highway Administration ("Administration"), are authorized to enter upon, to inspect, and to examine any and all lands, buildings, and equipment of motor carriers and other persons subject to the Interstate Commerce Act, the Department of Transportation Act, and other related Acts, and to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of such carriers and other persons.

2. *Compliance.* Motor carriers and other persons subject to these Acts shall submit their accounts, books, records, memoranda, correspondence, and other documents for inspection and copying, and they shall submit their lands, buildings, and equipment for examination and inspection, to any special agent of the Administration upon demand and display of an Administration credential identifying him as a special agent.

3. *Definition of special agent.* Administration employees charged with enforcing 18 U.S.C. 831-835, and section 204 of the Interstate Commerce Act, 49 U.S.C. 304, inclusive, the employees within the Bureau of Motor Carrier Safety listed below, and such other persons as the Administrator or the Director of the Bureau of Motor Carrier Safety may specify in writing, are special agents. They are hereby authorized to inspect and copy records and to inspect and examine lands, buildings, and equipment to the manner and extent provided by law.

Director.  
Deputy Director.  
Special Assistant to the Director.  
Technical Field Coordinator.  
Chiefs of the Divisions of: Regulations and Compliance.  
Chiefs of the Branches of: Vehicle Requirements, Driver Requirements, Accident Analysis, Reports, Records and Investigations, Hazardous Materials Liaison Officer, Hazardous Materials Specialist.

Mechanical Engineer (automotive).  
Regulations Specialist.  
Directors, Regional Motor Carrier Safety Offices.  
Motor Carrier Safety Investigators or Inspectors.  
4. *Facsimile of the Administration Credential:*

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

This is to certify that \_\_\_\_\_ whose photograph and signature appear hereon is duly accredited as \_\_\_\_\_ with authority to enter upon, to inspect, and examine lands, buildings, and equipment, and to inspect and copy records and papers of carriers and other persons, in performance of his duties under the Department of Transportation Act, related acts, and regulations of the Department.

By direction of the secretary

(Certifying Authority) \_\_\_\_\_ (Bearer) \_\_\_\_\_  
[F.R. Doc. 70-932; Filed, Jan. 23, 1970;  
8:48 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 28—PUBLIC ACCESS, USE, AND RECREATION

#### Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use and recreation; for the individual wildlife refuge areas.

#### NEW YORK

#### MONTEZUMA NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated travel routes for the purpose of nature study; photography, and sight-seeing during daylight hours. Pets are allowed if on a leash not over 10 feet in length. Picnicking is permitted in designated areas where facilities are provided. Fishing and hunting under special regulations may be permitted on parts of the Refuge.

The Refuge area, comprising 6,041 acres, is delineated on maps available at Refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1970.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

JANUARY 7, 1970.

[F.R. Doc. 70-912; Filed, Jan. 23, 1970;  
8:46 a.m.]



# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

[7 CFR Parts 1003, 1004, 1016]

[Docket No. AO-293-A23, etc.]

## MILK IN WASHINGTON, D.C., DELAWARE VALLEY, AND UPPER CHESAPEAKE BAY MARKETING AREAS

### Partial Decision on Proposed Amendments

7 CFR Part	Market	Docket No.
1003	Washington, D.C.	AO-293-A23. AO-293-A23-RO1.
1004	Delaware Valley	AO-160-A43. AO-160-A43-RO1.
1016	Upper Chesapeake Bay	AO-312-A20. AO-312-A20-RO1.

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the Washington, D.C., Delaware Valley, and Upper Chesapeake Bay marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Baltimore, Md., on August 4-15, 1969, and at King of Prussia, Pa., on August 18-22, 1969, pursuant to notice thereof which was issued on July 3, 1969 (34 F.R. 11364) and at a reopened hearing which was conducted at Friendship International Airport, Md., on October 30, 1969, pursuant to a notice which was issued on October 22, 1969 (34 F.R. 17298).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on December 18, 1969 (34 F.R. 20052; F.R. Doc. 69-15205) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision (partial) containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein modified only by the inclusion of an additional paragraph immediately preceding the Rulings on Exceptions.

The material issues on the record of hearings relate to:

1. Merger of two or more of the marketing areas (Delaware Valley, Upper Chesapeake Bay (Maryland), and Washington, D.C.) in any combination thereof, including also the redefinition of marketing area for any separate or combined order to encompass part or all the areas presently defined in the respective orders, including also certain additional

territory to be added to either of the separate orders or to the proposed merged marketing area:

- a. Merger of orders.
  - b. Marketing area expansion.
  - c. Interstate commerce.
2. If an order is issued for one milk marketing area in the manner proposed, what its provisions should be with respect to:
    - a. Milk to be priced and pooled.
    - b. Classification.
    - c. Class prices, butterfat differentials, and location differentials.
    - d. Seasonal incentive plans (Base-excess plan, Louisville Plan).
    - e. Marketing information and certain services to producers through marketing services provision and/or cooperative payments.
    - f. Miscellaneous administrative and conforming changes.
  3. Bracketing of the Class I price to provide price movements only in specified increments and announcement of the Class I price prior to the beginning of the pricing period.

This is a partial decision dealing only with issue 3. Since the proponents, at the hearing, abandoned for the time being their proposal to provide for the announcement of Class I price in advance of the month to which it applies, no further consideration of this matter is warranted on the basis of this proceeding.

**Findings and conclusions.** The following findings and conclusions on the issue No. 3 are based on evidence presented at the hearing and the record thereof:

A bracketing system of pricing Class I milk such as contained in the proposal considered at the reopened hearing should not be adopted under the three respective orders at this time and on this record.

The Delaware Valley order Class I price presently is a specified price (\$7.17 per hundredweight for milk testing 3.5 percent butterfat), and since September 1, 1969, is subject to a plus adjustment by any amount by which the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the preceding month (on a 3.5 percent butterfat basis) exceeds \$4.33.

The Class I price under both the Washington, D.C., and Upper Chesapeake Bay orders is the Delaware Valley Class I price minus 10 cents.

The Delaware Valley Class I price (and the Washington, D.C., and Upper Chesapeake Bay Class I prices because of the tie with the Delaware Valley price) has been specified (as contrasted to determination through a pricing formula) since May 1, 1968. This also has been the case under the neighboring New York-New Jersey and the New England orders. Prior to a May 1, 1968, amendatory

action, the New England, New York-New Jersey, and the Delaware Valley orders provided economic formula pricing of Class I milk. The Delaware Valley order pricing formula also prescribed a procedure for the bracketing of the Class I price.

The matter of interregional alignment of Class I prices for the six markets (Massachusetts-Rhode Island-New Hampshire, Connecticut, New York-New Jersey, Delaware Valley, Upper Chesapeake Bay, and Washington, D.C.), with those of other markets in the Federal order system (including the Class I price bracketing issue) was considered at a hearing held in New York City in June 1969.

A proposal considered at the June 1969 hearing and made by the New York-New England Cooperative Coordinating Committee<sup>1</sup> prescribed that the Class I price under each of the six northeastern Federal orders be "floored" in its relationship with the Class I price under the Chicago Regional order. The proposal had as its purpose to continue the precise interregional Class I price alignment maintained by the Department in all of the price actions taken under orders generally on January 1, 1969, and during the previous 3 years, in an effort to halt declining milk production nationally.

In his decision issued August 20, 1969 (34 F.R. 13601), based upon the evidence of the June 1969 hearing, the Acting Secretary concluded that the specified Class I price under each of the six orders should be adjusted each month by any amount by which the Minnesota-Wisconsin pay price, as reported by the Department for the preceding month, exceeded \$4.33. A proposal for the adoption of bracketed Class I prices was denied and obsolete language of the inactivated pricing formulas in the applicable orders was deleted.

In this decision,<sup>2</sup> the Acting Secretary concluded, in part, that;

\*\*\* The structure of the Class I pricing provisions as contained in the Massachusetts-Rhode Island-New Hampshire, and Connecticut orders is such that one not intimately familiar with the details of the order is required to read through and assimilate very lengthy provisions only to find at the end that the several provisions of the pricing for-

<sup>1</sup> The "committee" represents 18 of the principal cooperatives with membership among producers supplying the New York-New Jersey and/or New England Federal order markets.

<sup>2</sup> The August 1969 decision of the Assistant Secretary was officially noticed at the October 1969 reopened hearing. The findings therein relating to Class I pricing provisions, including the proposed bracketing scheme, are appropriate to the matter at hand and are adopted herewith as a part of this decision. Order amendments based on this proceeding were made effective Sept. 1, 1969.



mula have no current application and that the effective price is, in fact, a specified price. It is desirable to simplify such provisions for better public understanding \* \* \*

\* \* \* Contrary to proponents' position, the present basis of fixed pricing is the best way of implementing market stability in this period of great uncertainty with respect to future production and consumption trends. Appropriately, the matter of a pricing formula should be reconsidered at a future hearing after marketing conditions have stabilized sufficient to permit a longer-range decision than is now possible. Such formulas could not appropriately be reactivated in existing form.

While such decision related to the Massachusetts-Rhode Island-New Hampshire, Connecticut, and New York-New Jersey markets in particular, the obvious need for maintaining price alignment throughout the Northeast would dictate reconsideration of the Delaware Valley formula in the event any revised formula were developed for the former markets. Consequently, the Delaware Valley economic formula is not necessary at this time.

In light of the above, the present provisions setting forth the details of a pricing formula in the respective orders serve no useful purpose and, in fact, impede clear understanding of the present pricing scheme. Accordingly, the now obsolete language of the respective inactivated pricing formulas should be deleted.

A cooperative association excepted to the deletion of these provisions on the basis that such action was not within the scope of the hearing notice and that they be reactivated in their present form. The proposed action would merely remove from the orders obsolete language. It does not imply that economic formulas, if found to be appropriate, could not be employed in the future in establishing Class I prices in the Northeast \* \* \*

The Pennmarva Dairymen's Cooperative Federation, Inc., the member cooperatives of which have primary membership among producers associated with the Delaware Valley, Upper Chesapeake Bay, and Washington, D.C., markets testified at the June 1969 hearing in support of its proposal (for such markets only), to implement the intent of the proponent committee's proposal through a bracketing scheme whereby the specified Class I prices would be adjusted in 20-cent increments to reflect increases in the Minnesota-Wisconsin pay price above \$4.33.

The basis, in part, for denying the bracketing scheme as set forth in the August 1969 decision (and equally pertinent with respect to the Oct. 20, 1969, reopened hearing proceeding) was stated as follows:

\* \* \* While Pennmarva Federation proposed that any price increases be accomplished through a bracketing scheme, such a procedure cannot accommodate the end here sought. The level of the Minnesota-Wisconsin pay price cannot at this time be reliably forecast either with respect to its ultimate level or on a month-to-month basis. We know of no method of bracketing which could achieve the objective of providing the same increase each month in the Northeast as applies in other markets.

\* \* \* The order prices in all markets outside the Northeast adjust each month to reflect the precise change in the Minnesota-Wisconsin pay price above \$4.33. If inter-regional price alignment is to be maintained, the same procedure appropriately must apply

under the northeastern orders. The purpose of the price change in northeastern markets is not different from that in other regulated markets over the nation. It is intended that producers in all markets receive similar treatment in consideration of the overall objective and the method adopted is best designed to achieve this objective. The proposal for the adoption of a bracketing scheme at this time therefore is denied \* \* \*

The matters relating to a bracketed system of Class I pricing considered at the October 30, 1969, reopened hearing are directly related to the matters considered at the June 1969 six-market hearing. However, at the time that the Department was petitioned for opportunity for parties to be heard further on the matter of Class I price bracketing, the six-market proceeding initiated in June 1969 was closed. Thus it was not possible to reopen that proceeding for the purpose of taking any additional evidence on the matter. At the time of the petition, a proceeding relating to a proposed merger of the Delaware Valley, Upper Chesapeake Bay and Washington, D.C., order markets was underway. In order that the petition could be given consideration, it was necessary to reopen the August 1969 hearing proceeding so that any action which might result thereby could be carried over to a merged order, in the event the record supported such action.

Witnesses at the October 1969 reopened hearing generally supported a bracketing of the Class I price and contended that such a pricing scheme would not cause intermarket price alignment problems. Notwithstanding, the reasons stated in the Acting Secretary's decision of August 20, 1969, in denying bracketing on that record for these markets, are equally applicable at this time. Accordingly, the request for bracketing must be and is hereby denied.

If bracketing is a desirable pricing feature it appropriately should be considered, and is included as an issue, in connection with the hearing covering all Federal orders scheduled to convene at St. Louis, Mo., on January 20, 1970 (34 F.R. 19078).

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reason previously stated in this decision.

In exceptions filed, the Pennmarva Federation opposed the conclusions of this decision. Representatives of the federation stated that the record was clear on this issue and that there was no substantial disagreement to the system proposed. Handlers contended that the record of the October 30, 1969, hearing does not support the conclusions of this decision. They pointed out that a number

of witnesses testified in support of a bracketed pricing scheme. Notwithstanding, in view of the considerations set forth earlier herein, the record evidence of this hearing does not warrant a different conclusion in this matter from that set forth in the decision of the Secretary issued August 20, 1969 (34 F.R. 13601).

#### RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions of this decision, the exceptions received were carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

#### DETERMINATION

The findings and conclusions of this partial decision do not require any changes in the regulatory provisions of the three respective orders regulating the handling of milk in the Washington, D.C., Delaware Valley, and Upper Chesapeake Bay marketing areas.

Signed at Washington, D.C., on January 20, 1970.

RICHARD E. LYNG,  
Assistant Secretary.

[F.R. Doc. 70-914; Filed, Jan. 23, 1970; 8:46 a.m.]

#### [7 CFR Part 1124]

[Docket No. AO-368-A2]

#### MILK IN OREGON-WASHINGTON MARKETING AREA

#### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Klamath County Fairgrounds, Exhibition Hall, 3531 South Sixth Street, Klamath Falls, Oreg., beginning at 10 a.m. on January 29, 1970, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Oregon-Washington marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Medo-Bel Creamery, Weed, Calif.:



**Proposal No. 1.** Amend § 1124.6, Oregon-Washington marketing area, by deleting Klamath County from the list of Oregon counties defined therein.

Proposed by the Dairy Division, Consumer and Marketing Service:

**Proposal No. 2.** Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, James A. Burger, Farmers Center Building, 6700 Southwest Varns Street, Portland, Ore. 97223, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on: January 21, 1970.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 70-915; Filed, Jan. 23, 1970;  
8:46 a.m.]

## [ 7 CFR Part 1124 ]

[Docket No. AO-368-A2]

### MILK IN OREGON-WASHINGTON MARKETING AREA

#### Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a notice was issued January 21, 1970, giving notice of a public hearing to be held at the Klamath County Fairgrounds Exhibition Hall, 3531 South Sixth Street, Klamath Falls, Ore., beginning at 10 a.m. on January 29, 1970, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Oregon-Washington marketing area.

Supplemental notice is hereby given with respect to proposed amendments to the Oregon-Washington marketing area.

The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

Proposed by Medo Bel Creamery, Weed, Calif.:

**Proposal No. 3.** Amend §§ 1124.52 and 1124.83 to provide an appropriate location adjustment in the State of California which will bring closer alignment with the level of prices in California.

Copies of this notice of supplemental hearing and the order may be procured from the Market Administrator, James A. Burger, Farmers Center Building, 6700 Southwest Varns Street, Portland, Ore. 97223, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. De-

partment of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on January 22, 1970.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 70-972; Filed, Jan. 23, 1970;  
8:49 a.m.]

## DEPARTMENT OF COMMERCE

Office of the Secretary

[ 15 CFR Part 7 ]

### CHILDREN'S WEARING APPAREL

#### Notice of Finding That Flammability Standard or Other Regulation May Be Needed and Institution of Pro- ceedings

**Finding.** Pursuant to section 4(a) of the Flammable Fabrics Act, as amended (sec. 3, 81 Stat. 569; 15 U.S.C. 1193) and § 7.5 of the Flammable Fabrics Act Procedures (33 F.R. 14642, Oct. 1, 1968), and upon the basis of investigation or research conducted pursuant to section 14 of the Flammable Fabrics Act, as amended (sec. 10, 81 Stat. 573; 15 U.S.C. 1201), it is hereby found that new or amended flammability standards or other regulations, including labeling, may be needed for certain items of children's wearing apparel, and fabrics or related materials intended to be used, or which may reasonably be expected to be used, for such apparel, to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage. Section 2(d) of the Flammable Fabrics Act, as amended (81 Stat. 568; 15 U.S.C. 1191(d)) defines an "article of wearing apparel" as meaning "any costume or article worn or intended to be worn by individuals." This finding is applicable to children's wearing apparel in the particular separate categories of this apparel: sleepwear, underwear, and dresses. It is applicable also to all fabrics or related materials intended to be used, or which may reasonably be expected to be used, for such apparel. For the purposes of this finding, the term "children's wearing apparel" shall mean clothing up to and including size 6X.<sup>1</sup>

Based upon data supplied by the Department of Health, Education, and Welfare, analysis of that data by the Department of Commerce, and research conducted by the Department of Commerce, it has been determined that the above items of children's wearing apparel may present a special hazard, over and above that presented by those same items of wearing apparel for other age

groups in the population. This determination was also in accordance with a recommendation of the National Advisory Committee for the Flammable Fabrics Act.

The finding that a new or amended flammability standard or other regulation may be needed for children's wearing apparel is based on data developed by investigations of deaths and injuries due to wearing apparel fires. These data indicate that, for certain categories of garments, children under 6 years of age are injured relatively more frequently from apparel fires than are members of most other age groups in the population.

In the course of development of this finding, the Department of Commerce has analyzed data from 353 cases investigated by the Department of Health, Education, and Welfare. The reports of the Department of Health, Education, and Welfare indicated that, in the cases investigated by that Department, 543 separate garments were ignited, causing the deaths of 38 persons and injury to 315. The remains of 230 garments were recovered from 159 of the cases, including 17 cases in which death resulted. Tests conducted by the Department of Commerce on the remains of the garments recovered showed that none of the tested garments exceeded the rapid and intense burn limits established by the existing standard (CS 191-53, "Flammability of Clothing Textiles").

Of the 353 cases, 99 involved the spillage of flammable liquids on the garments. These cases were not considered in further analyses of either accident reports or flammability test behavior of the recovered garments. Analysis of the remaining 254 cases, involving 394 garments, was made to determine the distribution of several categories of garments by age and sex of the wearer. This analysis showed that for children in the 1-5 years age group, and in proportion to the total number of such garments involved in apparel fires, sleepwear, underwear, and dresses were involved from 2.5 to 3.9 times as frequently as children in this age group exist in the total population. The Department of Commerce has also determined that, within the scope of the sample, these conclusions are statistically meaningful.

**Institution of proceedings.** Pursuant to section 4(a) of the Flammable Fabrics Act, as amended (sec. 3, 81 Stat. 569; 15 U.S.C. 1193), and § 7.6(a) of the Flammable Fabrics Act Procedures (33 F.R. 14642, Oct. 1, 1968), notice is hereby given of the institution of proceedings for the development of appropriate flammability standards or other regulations or amendments thereto for children's wearing apparel in the specific separate categories of sleepwear, underwear, and dresses, and for all fabrics or related materials intended to be used, or which may reasonably be expected to be used, for such apparel.

**Participation in proceedings.** All interested persons are invited to submit written comments or suggestions within 30 days after date of publication of this

<sup>1</sup> This is the range of sizes given in CS 151-50, "Body Measurements for the Sizing of Apparel for Infants, Babies, Toddlers and Children", available from the Clearinghouse for Federal, Scientific and Technical Information, 5285 Port Royal Street, Springfield, Va. 22151.



notice in the FEDERAL REGISTER relative to (1) the above finding that a new or amended flammability standard or standards or other regulations, including labeling, may be needed; and (2) the terms or substance of a new or amended flammability standard or standards or other regulations, including labeling, that might be adopted in the event that a final finding is made by the Secretary of Commerce that such a standard or other regulation is needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage. Written comments or suggestions should be submitted in at least four (4) copies to the Assistant Secretary for Science and Technology, Room 5051, U.S. Department of Commerce, Washington, D.C. 20230 and should include any data or other information pertinent to the subject.

*Inspection of relevant documents.* The written comments received pursuant to this notice will be available for public inspection at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230. A supporting document relating to data from burn cases is available, for examination or copying, in this facility.

Issued: January 21, 1970.

MYRON TRIBUS,  
Assistant Secretary  
for Science and Technology.

[F.R. Doc. 70-921; Filed, Jan. 23, 1970;  
8:46 a.m.]

## DEPARTMENT OF TRANSPORTATION

Federal Highway Administration  
[49 CFR Part 393]

[Docket No. MC-17; Notice No. 70-1]

### COUPLING DEVICES AND TOWING METHODS

#### Notice of Proposed Rule Making

The Administrator has received a petition to amend §§ 393.70(f) and 393.71(h)(10) of the Motor Carrier Safety Regulations (49 CFR 393.70(f), 393.71(h)(10)) to permit the use of what the petitioner calls an "under-tongue coupling device" as an alternative to the safety chains or cables required on full trailers and the converter dollies used to convert semitrailers to full trailers (§ 393.70(f)), and in driveway-towaway operations (§ 393.71(h)(10)). The device consists of a rigid metal arm, attached to the towing vehicle under the primary coupling mechanism, which hooks onto a similar arm on the towed vehicle. The petitioner contends that the strength of this device would be comparable to that of chains or cables, and that it would

permit greater control of the towed vehicle if the primary coupling fails.

Because this petition for rule making raises a general question whether the emergency coupling provisions of §§ 393.70 and 393.71 should be broadened to permit devices other than chains or cables, the Administrator invites interested persons to submit comments to assist him to determine whether the regulations should be changed to allow use of new types of emergency coupling devices, including but not limited to the type proposed by the petitioner. Comments should be accompanied by appropriate supporting data and information where practicable.

Comments must identify the docket number and the notice number. They should be submitted in three copies to the Bureau of Motor Carrier Safety, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20591. All comments received on or before the close of business March 30, 1970, will be considered by the Administrator. All comments will be available in the Rules Docket at the above address for examination both before and after the closing date for comments.

This notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegation of authority at 49 CFR 1.4(c).

Issued on January 16, 1970.

F. C. TURNER,  
Federal Highway Administrator.

[F.R. Doc. 70-933; Filed, Jan. 23, 1970;  
8:48 a.m.]

## DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 604, 606, 670, 675,  
677, 678, 689]

[Admin. Order No. 612]

### INDUSTRY COMMITTEES FOR VAR- IOUS INDUSTRIES IN PUERTO RICO

#### Appointment To Investigate Condi- tions and Recommend Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint the following industry committees for the indicated industries:

Committee No.	Industry
91-A-----	Lumber and Wood Products Industry in Puerto Rico.
91-B-----	Paper, Paper Products, Printing, and Publishing Industry in Puerto Rico.
92-A-----	Stone, Clay, Glass, Cement, and Related Products Industry in Puerto Rico.
92-B-----	Chemical, Petroleum and Related Products Industry in Puerto Rico.

Committee No.

Industry

93-A-----	Electrical, Instrument, and Related Products Industry in Puerto Rico.
93-B-----	Metal, Machinery, Transportation Equipment and Allied Products Industry in Puerto Rico.
94-----	Sugar Manufacturing Industry in Puerto Rico.

These industries are defined as follows:

The lumber and wood products industry in Puerto Rico is defined as follows: The logging, wood preserving, and the manufacture of all products made from lumber and wood and related materials, including, but without limitation, saw-mill products; planing and plywood mill products; furniture; office and store fixtures; boxes and containers; cooperage; window and door screens and blinds; caskets and coffins; matches; trays, bowls, and other woodenware; excelsior, cork, bamboo, rattan, and willow articles such as hampers, baskets, coasters, and table pads; and charcoal. *Provided, however,* That the industry shall not include any product or activity in the metal, machinery, transportation equipment, and allied products industry as defined in 29 CFR Part 604; the button, jewelry, and lapidary work industry as defined in 29 CFR Part 616; the straw, hair, and related products industry as defined in 29 CFR Part 613; the construction, business service, motion picture, and miscellaneous industry as defined in 29 CFR Part 672; or the paper, paper products, printing, and publishing industry as defined in 29 CFR Part 677.

The paper, paper products, printing, and publishing industry in Puerto Rico is defined as follows: The manufacture of pulp from wood, rags, bagasse, and other fibers; the conversion of such pulp into paper, paperboard, and building board; the manufacture of paper, paperboard, and pulp into bags, boxes, containers, tags, cards, envelopes, pressed and molded pulp goods, and all other converted paper products; the printing performed on the foregoing and on allied products; the printing or publishing of newspapers, books, periodicals, maps, and music; and all manufacturing and service operations performed by typesetters, advertising typographers, electrotypers, stereotypers, photoengravers, steel and copper plate engravers, commercial printers, lithographers, gravure printers, private printing plants of concerns engaged in other business, binderies, and news syndicates. *Provided, however,* That the industry shall not include any product or activity included in the leather, leather goods, and related products industry, as defined in 29 CFR Part 602.

The stone, clay, glass, cement, and related products industry in Puerto Rico is defined as follows: The mining, quarrying, or other extraction and the further processing of all minerals (other than metal ores, chemical and fertilizer minerals, coal, petroleum, or natural gases) and the manufacture of products from such minerals, including, but without limitation, structural clay products, china, pottery, tile, and other ceramic products and refractories; glass and glass



products (except lenses); dimension and cut stone; crushed stone, sand and gravel; hydraulic cement; abrasives; lime, concrete, gypsum, mica, plaster, and asbestos products; and the manufacture of products from bone, horn, ivory, shell and similar natural materials: *Provided, however,* That the industry shall not include any product or activity included in the button, jewelry, and lapidary work industry as defined in 29 CFR Part 616; the construction, business service, motion picture, and miscellaneous industry as defined in 29 CFR Part 672; the metal, machinery, transportation equipment, and allied products industry as defined in 29 CFR Part 604; or the chemical, petroleum, and related products industry as defined in 29 CFR Part 670.

The chemical, petroleum, and related products industry in Puerto Rico is defined as follows: (a) The manufacture or packaging of chemicals, drugs, medicines, toilet preparations, cosmetics, and related products; the mining or other extraction or processing of any mineral used in the production of the foregoing; and the mining or other extraction of petroleum, coal, or natural gases and the manufacture of products therefrom: *Provided, however,* That the industry shall not include any activity included in the alcoholic beverage and industrial alcohol industry as defined in 29 CFR Part 619; the food and related products industry, as defined in 29 CFR Part 673; or any activity performed in the capacity of a public utility; (b) the products of this industry include, among others: Primary plastic materials such as sheets, rods, tubes, filaments, granules, powders, and liquids; soap and glycerin; cleaning and polishing preparations; paints, varnishes, colors, dyes, inks, putty, and fillers, wood distillation and naval stores; fertilizers; vegetable and animal oils and fats; candles, glue and gelatin; compressed and liquefied gases, insecticides and fungicides; salt; explosives; fireworks and pyrotechnics; coke and coke-oven byproducts; paving mixtures and blocks containing asphalt, creosote, or tar; fuel briquettes; roofing felts and coatings; and asphalt tile and linoleum.

The electrical, instrument, and related products industry in Puerto Rico is defined as follows: The manufacture, assembling, and repair of machinery, apparatus, equipment, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy; and the manufacture, assembly, and repair of instruments, lenses, apparatus, and equipment for scientific, professional, industrial measurement, photographic, ophthalmic, musical, and horological purposes: *Provided, however,* That the industry shall not include industrial and commercial machinery powered by electric motors; measuring-and-dispensing pumps; ophthalmic frames; or any activity included in the stone, clay, glass, cement, and related products industry as defined in 29 CFR Part 678.

The metal, machinery, transportation equipment, and allied products industry in Puerto Rico is defined as follows: The mining and other extraction of metal

ore and the processing of such ore into metal; the manufacture (including repair) of any product or part made chiefly of metal; and the manufacture from any material of machinery, tools, transportation equipment and ordnance: *Provided, however,* That the industry shall not include the production of any basic material other than metal; the further processing of any basic material other than metal except when done by an establishment producing from such material a product of this industry or subassembly of such product; and any activity included in the button, jewelry, and lapidary work industry as defined in 29 CFR Part 616, or in the electrical, instrument, and related products industry as defined in 29 CFR Part 606.

The sugar manufacturing industry in Puerto Rico is defined as follows: The production of raw sugar, cane juice, molasses and refined sugar, and incidental byproducts; all railroad transportation activities carried on by a producer of any of these products (or by any firm owned or controlled by, or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer) where the railroad transportation activities are in whole or in part used for the production or shipment of the products of the industry; and any transportation activities by truck, vessel, or other vehicle performed by a producer of products of the industry in connection with the production or shipment of such products by such producer: *Provided, however,* That the industry shall not include any transportation activity included in the communications, utilities, and transportation industry as defined in 29 CFR Part 671 of this chapter, or any transportation activity to which the agricultural exemption contained in section 13(a) of the Act was applicable prior to February 1, 1967.

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene the above appointed industry committees;

(b) Refer to the industry committees the question of the minimum rates of wages to be fixed for the above-mentioned industries in Puerto Rico as herein defined;

(c) Give notice of the hearings to be held by the several committees at the times and place indicated below. The committees shall investigate conditions in the industries, and the committees, or any authorized subcommittee thereof, shall hear witnesses and receive such evidence as may be necessary or appropriate to enable the committees to perform their duties and functions under the aforementioned Act.

Industry Committee No. 91-A will meet in executive session to commence its investigation on Monday, March 9, 1970, at 9:30 a.m. and begin its public hearing at 10:30 a.m. on that date. At the conclusion of this hearing, Industry Committee No. 91-B will immediately convene to conduct its investigation and subsequently to hold its hearing.

Industry Committee No. 92-A will meet in executive session to commence its investigation on Monday, March 16, 1970, at 9:30 a.m. and begin its public hearing at 10:30 a.m. on that date. At the conclusion of this hearing, Industry Committee No. 92-B will immediately convene to conduct its investigation and subsequently to hold its hearing.

Industry Committee No. 93-A will meet in executive session to commence its investigation on Monday, May 4, 1970, at 9:30 a.m. and begin its public hearing at 10:30 a.m. on that date. At the conclusion of this hearing, Industry Committee No. 93-B will immediately convene to conduct its investigation and subsequently to hold its hearing.

Industry Committee No. 94 will meet in executive session to commence its investigation on Monday, May 11, 1970, at 9:30 a.m. and begin its public hearing at 10:30 a.m. on that date.

The hearings will take place in the offices of the Wage and Hour and Public Contracts Divisions on the seventh floor of the Condominio San Alberto Building, 1200 Ponce de Leon Avenue, San-turce, P.R.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa. However, no industry committee shall recommend minimum wage rates in excess of \$1.60 an hour for work which would have been covered by section 6 of the Act if it had been performed prior to the effective date of the Fair Labor Standards Amendments of 1966. Nor shall any committee recommend minimum wage rates in excess of \$1.45 an hour for the period ending January 31, 1971, nor in excess of \$1.60 per hour thereafter, for work brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not substantially curtail employment in such classification and which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates



## PROPOSED RULE MAKING

for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters

referred to them. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor as soon as they are completed and prior to the hearings. The industry committees shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearings.

The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in any of the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the first hearing date set for each

committee as set forth in this notice of hearing, i.e., February 27, 1970, for matters to be considered by Industry Committees Nos. 91-A or B; March 6, 1970, for matters to be considered by Industry Committees Nos. 92-A or B; April 24, 1970, for matters to be considered by Industry Committees Nos. 93-A or B; and May 1, 1970, for matters to be considered by Industry Committee No. 94.

Signed at Washington, D.C., this 21st day of January 1970.

GEORGE P. SHULTZ,  
*Secretary of Labor.*

[F.R. Doc. 70-945; Filed, Jan. 23, 1970;  
8:48 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

STEPHEN W. CAMERON

### Notice of Granting of Relief

Notice is hereby given that Stephen W. Cameron, 6414 North 87th Street, Milwaukee, Wis. 53224, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 27, 1948, by the Aroostook County, Maine, Superior Court of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Stephen W. Cameron because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Stephen W. Cameron to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Stephen W. Cameron's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Stephen W. Cameron be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 13th day of January 1970.

[SEAL] RANDOLPH W. THROWER,  
Commissioner of Internal Revenue.

[F.R. Doc. 70-942; Filed, Jan. 23, 1970; 8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

Office of the Secretary

### CONSUMER AND MARKETING SERVICE

#### Assignment of Functions; Correction

In F.R. Doc. 69-14551 appearing at page 19474 in the FEDERAL REGISTER issue of Tuesday, December 9, 1969, the words "in reparation proceedings and" were inadvertently omitted from the Reservations to the Judicial Officer in section 111 b of the Assignment of Functions to the Consumer and Marketing Service. Section 111 b is corrected to read as follows:

b. *Reservations to the Judicial Officer.*  
(1) Final action in reparation proceedings and in proceedings pursuant to sections 556 and 557 of title 5, United States Code, except orders in rule-making under the Agricultural Marketing Agreement Act of 1937 and the Cotton Research and Promotion Act.

Signed at Washington, D.C., this 17th day of January 1970.

CLIFFORD M. HARDIN,  
Secretary of Agriculture.

[F.R. Doc. 70-943; Filed, Jan. 23, 1970; 8:48 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[Docket No. FDC-D-145; NDA 4-229]

#### SCHOLL MANUFACTURING CO., INC.

#### Onixol; Extension of Time for Filing Request for Hearing

In the FEDERAL REGISTER of December 13, 1969 (34 F.R. 19667), notice was given to Scholl Manufacturing Co., Inc., 213 West Schiller Street, Chicago, Ill. 60610, and to any interested person who might be adversely affected, that the Commissioner of Food and Drugs proposed to issue an order under section 505 (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of that firm's new-drug application No. 4-229, and all amendments and supplements thereto, for the drug Onixol (contains per milliliter 0.0091 gram of sodium sulfide, 0.0907 gram of urea, and 0.0907 gram of triethanolamine) on specified grounds.

The notice stated that within 30 days after its date of publication in the FEDERAL REGISTER, such persons were required to file a written appearance electing whether or not to avail themselves of the opportunity for a hearing.

The Commissioner has received a request from Scholl Manufacturing Co., Inc., for an extension of such time and, good reason therefor appearing, the time for filing written appearance in this matter is hereby extended to January 27, 1970.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 14, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-929; Filed, Jan. 23, 1970; 8:47 a.m.]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### REGIONAL ADMINISTRATORS AND DEPUTY REGIONAL ADMINISTRATORS

#### Redelegations of Authority

The redelegations of authority by the Assistant Secretary for Renewal and Housing Assistance to Regional Administrators and Deputy Regional Administrators published at 31 F.R. 8966, June 29, 1966, as amended at 32 F.R. 11391, August 5, 1967, and 34 F.R. 20225, December 24, 1969, are further amended under section A, paragraph 3, concerning the Rehabilitation Loan Program, by revising subparagraph a to read as follows:

a. Delegate to or use as agent any Federal or private agency or organization pursuant to subsection 312(f) (42 U.S.C. 1452b(f)).

(Secretary's delegations of authority published at 31 F.R. 8964, June 29, 1966, as amended at 32 F.R. 624, Jan. 19, 1967, 32 F.R. 11390, Aug. 5, 1967, and 33 F.R. 10161, July 16, 1968)

*Effective date.* This amendment of redelegations of authority shall be effective as of January 24, 1970.

LAWRENCE M. COX,  
Assistant Secretary for  
Renewal and Housing Assistance.

[F.R. Doc. 70-923; Filed, Jan. 23, 1970; 8:47 a.m.]

### CERTAIN HUD EMPLOYEES IN REGION III (ATLANTA)

#### Redelegation of Authority To Administer Oaths Under Title VIII (Fair Housing) of Civil Rights Act of 1968

Each of the following named employees in the Department of Housing and Urban



Development, Region III (Atlanta), is hereby authorized to administer oaths under section 811(a) of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3611(a):

1. Grady J. Norris.
2. James D. Yorker.
3. W. Thomas Hendrix.
4. Randolph McMillan.
5. Augustus L. Clay.
6. James R. Lemon.
7. Joseph R. Terry.
8. J. Herbert Williams.

**Revocation.** The redelegation of authority to certain HUD employees in Region III (Atlanta), published in 34 F.R. 7043-44, April 29, 1969, as amended 34 F.R. 14038, September 4, 1969, is hereby revoked as of the date of publication of this document in the FEDERAL REGISTER.

(Redelegation of authority by Regional Administrator effective Apr. 29, 1969 (34 F.R. 7043, Apr. 29, 1969))

**Effective date.** Date of publication in FEDERAL REGISTER.

ALBERT L. THOMPSON,  
Assistant Regional Administrator  
for Equal Opportunity,  
Region III.

[F.R. Doc. 70-924; Filed, Jan. 23, 1970;  
8:47 a.m.]

#### ASSISTANT REGIONAL ADMINISTRATOR FOR EQUAL OPPORTUNITY, REGION IV (CHICAGO, ILL.)

##### Redelegation of Authority With Respect to Fair Housing

**SECTION A. Authority with respect to fair housing.** The Assistant Regional Administrator for Equal Opportunity is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under Title VIII (Fair Housing) of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3601-3619, except the authority to:

1. Make studies and publish reports under section 808(e) of the Act.
2. Issue rules and regulations.

**SEC. B. Authority to redelegate.** The Assistant Regional Administrator for Equal Opportunity is further authorized to redelegate to subordinate employees the authority of the Secretary to administer oaths under section 811(a) of the Act, 42 U.S.C. 3611(a).

(Redelegation of authority by Assistant Secretary for Equal Opportunity effective Jan. 15, 1969 (34 F.R. 947, Jan. 22, 1969))

**Effective date.** This redelegation of authority shall be effective upon publication in the FEDERAL REGISTER.

FRANCIS D. FISHER,  
Regional Administrator,  
Region IV.

[F.R. Doc. 70-925; Filed, Jan. 23, 1970;  
8:47 a.m.]

#### CERTAIN HUD EMPLOYEES IN REGION IV (CHICAGO, ILL.)

##### Redelegation of Authority To Administer Oaths Under Title VIII (Fair Housing) of Civil Rights Act of 1968

Each of the following named employees in the Department of Housing and Urban Development, Region IV (Chicago, Ill.), is hereby authorized to administer oaths under section 811(a) of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3611(a):

- Irving Horwitz.  
Priscilla L. Harper.  
Napoleon P. Dotson.  
Andrew Corcoran.  
William E. Hill.  
Garland D. Davis.  
John Endres.  
Royal W. Fulton.  
Hansel C. Hall.  
Chantland Wysor.  
E. Lawrence Oldfield.  
John Thompson.  
Irving Himelblau.  
Robert Masuo Hasegawa.  
R. Susan Johnson.  
Barbara O'Banion.  
Bessie Donaldson.  
David Marr.  
Elizabeth Jones.  
William Kutmus.  
Marilyn V. Singleton.

(Redelegation of authority by Regional Administrator, effective Jan. 24, 1970 (35 F.R. 1024, Jan. 24, 1970))

**Effective Date.** This redelegation of authority shall be effective upon publication in the FEDERAL REGISTER.

ROBERT L. TUCKER,  
Assistant Regional Administrator  
for Equal Opportunity,  
Region IV.

[F.R. Doc. 70-926; Filed, Jan. 23, 1970;  
8:47 a.m.]

#### CERTAIN HUD EMPLOYEES IN REGION V (FORT WORTH, TEX.)

##### Redelegation of Authority To Administer Oaths Under Title VIII (Fair Housing) of Civil Rights Act of 1968

Each of the following named employees in the Department of Housing and Urban Development, Region V (Fort Worth, Tex.), is hereby authorized to administer oaths under section 811(a) of the Civil Rights Act of 1968 Public Law 90-284, 42 U.S.C. 3611(a):

1. Rufus B. Bardwell.
2. John E. Eubanks.
3. Gloria W. Eyres.
4. Samuel W. Hudson, Jr.
5. Clark S. Jeffers.
6. William F. Kerrigan.
7. Fred D. Merriwether.
8. John M. Nelson.
9. Jack E. Sandridge.
10. Earnie F. Wilkinson.

(Redelegation of authority by Regional Administrator effective Apr. 24, 1969 (34 F.R. 6869, Apr. 24, 1969))

This redelegation supersedes the redelegation published in 34 F.R. 6869, April 24, 1969, and shall be effective upon publication in the FEDERAL REGISTER.

A. MACEO SMITH,  
Assistant Regional Administrator  
for Equal Opportunity,  
Region V.

[F.R. Doc. 70-927; Filed, Jan. 23, 1970;  
8:47 a.m.]

#### ASSISTANT REGIONAL ADMINISTRATOR FOR EQUAL OPPORTUNITY, REGION VI (SAN FRANCISCO)

##### Redelegation of Authority With Respect to Fair Housing

**SECTION A. Authority with respect to fair housing.** The Assistant Regional Administrator for Equal Opportunity, Region VI (San Francisco) is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under Title VIII (Fair Housing) of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3601-3619, except the authority to:

1. Make studies and publish reports under section 808(e) of the Act.
2. Issue rules and regulations.

**SEC. B. Authority to redelegate.** The Assistant Regional Administrator for Equal Opportunity is further authorized to redelegate to subordinate employees the authority of the Secretary to administer oaths under section 811(a) of the Act, 42 U.S.C. 3611(a).

(Redelegation of authority by Assistant Secretary for Equal Opportunity effective Jan. 15, 1969 (34 F.R. 947, Jan. 22, 1969))

**Effective date.** This redelegation of authority shall be effective as of November 16, 1969.

ROBERT B. PITTS,  
Regional Administrator, Region VI.

[F.R. Doc. 70-928; Filed, Jan. 23, 1970;  
8:47 a.m.]

#### CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 70-1-94]

#### INTERNATIONAL AIR TRANSPORT ASSOCIATION

##### Agreements Adopted Relating to Cargo Rates

Issued under delegated authority January 19, 1970.

Agreements adopted by Traffic Conference 1 and Joint Conferences 1-2 and 3-1 of the International Air Transport Association relating to cargo rates; Docket 20993, Agreement CAB 21432, Agreement CAB 21441.

By Order 69-12-138, dated December 31, 1969, action was deferred, with a view toward eventual approval, on certain resolutions incorporated in agreements adopted by Traffic Conference 1



and Joint Conferences 1-2 and 3-1 of the International Air Transport Association (IATA). The agreements establish bulk unitization charges and related provisions to apply within the Western Hemisphere.

In deferring action on the agreements, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 69-12-138 will herein be made final.

Accordingly, it is ordered, That: Agreements CAB 21432 and 21441 be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

[SEAL]

HARRY J. ZINK,  
Secretary.

[F.R. Doc. 70-940; Filed, Jan. 23, 1970;  
8:48 a.m.]

[Docket No. 20291; Order 70-1-88]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Agreement Adopted Relating to Delayed Inaugural Flights

Issued under delegated authority January 16, 1970.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to delayed inaugural flights; Docket 20291, Agreement CAB 21557.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB Agreement number.

The agreement permits Pan American World Airways to postpone to a date not later than March 31, 1970, the performance of its inaugural flights in connection with the operation of its new nonstop service between Miami and Sao Paulo.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that Resolution 100 (Mail 826) 200h, which is incorporated in the above-designated agreement, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered that:

Action on Agreement CAB 21557 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL]

HARRY J. ZINK,  
Secretary.

[F.R. Doc. 70-939; Filed, Jan. 23, 1970;  
8:48 a.m.]

### CIVIL SERVICE COMMISSION

#### DEPARTMENT OF COMMERCE

#### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Minority Business Enterprise.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 70-895; Filed, Jan. 23, 1970;  
8:45 a.m.]

### GENERAL SERVICES ADMINISTRATION

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Commissioner, Transportation and Communications Service.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 70-896; Filed, Jan. 23, 1970;  
8:45 a.m.]

### GENERAL SERVICES ADMINISTRATION

#### Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Director of Public Affairs, Office of the Assistant Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 70-897; Filed, Jan. 23, 1970;  
8:45 a.m.]

### GENERAL SERVICES ADMINISTRATION

#### Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Director of Legislative and Congressional Affairs, Office of the Assistant Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 70-898; Filed, Jan. 23, 1970;  
8:45 a.m.]

### OFFICE OF ECONOMIC OPPORTUNITY

#### Notice of Revocation of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Assistant Director, Recruitment, Selection, and Community Relations. VISTA.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 70-899; Filed, Jan. 23, 1970;  
8:45 a.m.]

### OFFICE OF ECONOMIC OPPORTUNITY

#### Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under the authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, State and Local Government Division, Office of Operations.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 70-900; Filed, Jan. 23, 1970;  
8:45 a.m.]

### FEDERAL POWER COMMISSION

[Docket No. CP70-167]

#### CASCADE NATURAL GAS CORP.

#### Notice of Application

JANUARY 15, 1970.

Take notice that on January 7, 1970, Cascade Natural Gas Corp. (Applicant),



222 Fairview Avenue North, Seattle, Wash. 98109, filed in Docket No. CP70-167 an application pursuant to sections 7 (b) and (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, continuance of the use of certain currently existing facilities, and permission and approval to abandon these latter facilities before the 1970-71 winter, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to continue operating through May 31, 1970, an existing skid-mounted compressor unit, abandon such unit before the 1970-71 winter season, and construct and operate a new permanent compressor unit and related facilities downstream of the redelivery point with El Paso Natural Gas Co. (El Paso). Applicant states that such new, permanent facilities are necessary to effect redelivery of gas being exchanged with El Paso due to lack of adequate pressures on El Paso's system expected to recur this winter.

The total estimated cost of the proposed facilities, including the proposed abandonment, is \$46,400, which will be financed by cash on hand and that generated from normal operations, supplemented by bank borrowings pursuant to existing credit arrangements.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate or permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-902; Filed, Jan. 23, 1970;  
8:45 a.m.]

[Docket No. CP70-170]

## CONSOLIDATED GAS SUPPLY CORP.

### Notice of Application

JANUARY 15, 1970.

Take notice that on January 9, 1970, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP70-170 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 6.5 miles of 20-inch pipeline in Wyoming County, N.Y., looping its existing lines Nos. 14 and 24; approximately 13.6 miles of 26-inch pipeline in Steuben and Chemung Counties, N.Y., replacing an equal length of its existing 20-inch line No. 31; and approximately 12.7 miles of 24-inch pipeline in Oneida and Herkimer Counties, N.Y., looping its existing line No. 30. Applicant states that the proposed facilities are necessary to meet normal growth in the peak flow requirements of its markets during the 1970-71 winter.

The total estimated cost of the proposed facilities is \$5,362,582, which will be financed by funds on hand and borrowings from its parent corporation, Consolidated Natural Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of

the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-903; Filed, Jan. 23, 1970;  
8:45 a.m.]

[Docket No. CP68-249]

## MIDWESTERN GAS TRANSMISSION CO.

### Notice of Petition To Amend

JANUARY 15, 1970.

Take notice that on January 5, 1970, Midwestern Gas Transmission Co. (Applicant), Post Office Box 774, Chicago, Ill. 60690, filed in Docket No. CP68-249 a petition to amend the order of the Commission issued on May 24, 1968, to authorize applicant to make an addition to its Wilmington sales meter station rather than as authorized to the Joliet sales meter station, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order Applicant was authorized, inter alia, to construct and operate measuring facilities at its Joliet station and to make increased daily sales to Northern Illinois Gas Co. (Northern Illinois) of 80,000 Mcf.

Applicant states that it constructed additions to the Wilmington sales meter station rather than the Joliet sales meter station because the customer Northern Illinois requested the sales at that station and the costs at Wilmington were less than required at Joliet.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-904; Filed, Jan. 23, 1970;  
8:45 a.m.]



[Docket No. CP70-173]

**MONTANA-DAKOTA UTILITIES CO.****Notice of Application**

JANUARY 15, 1970.

Take notice that on January 12, 1970, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, N. Dak. 58501, filed in Docket No. CP70-173 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and to effect a long-term exchange of natural gas with Northern Natural Gas Co. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following:

(1) Approximately 11 miles of 12 $\frac{3}{4}$ -inch O.D. gas transmission line beginning at a point on the existing Tioga-Minot Line and running to Northern's proposed compressor station No. 10, all in Ward County, N. Dak.;

(2) A gas metering station near Minot through which gas will be delivered to Northern and redelivered to it by Applicant; and,

(3) An automated compressor station near Minot, consisting of two 800 horsepower gas engine compressor sets with jacket water and gas cooling facilities, intake air system, exhaust system, and unit sequencing equipment.

Applicant states that the proposed facilities are necessary to effect a long-term exchange of natural gas with Northern near Minot, and to extend system deliverability.

The total estimated cost of the proposed facilities is \$949,000, which will be financed by internally generated funds and/or short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required

herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-905; Filed, Jan. 23, 1970;  
8:45 a.m.]

**FEDERAL RESERVE SYSTEM****COMMERCE BANCSHARES, INC.****Notice of Application for Approval of Acquisition of Shares of Bank**

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Commerce Bancshares, Inc., which is a bank holding company located in Kansas City, Mo., for prior approval by the Board of Governors of the acquisition by applicant of more than 80 per cent of the voting shares of American Trust Company of Hannibal, Hannibal, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Dated at Washington, D.C., this 18th day of January 1970.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[F.R. Doc. 70-922; Filed, Jan. 23, 1970;  
8:47 a.m.]

**GENERAL SERVICES  
ADMINISTRATION**

[Federal Property Management Regulations;  
Temporary Regulation F-62]

**SECRETARY OF DEFENSE****Delegation of Authority**

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in natural gas service rate proceedings.

2. *Effective date.* This regulation is effective January 15, 1970.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Public Utilities Commission of the State of California in proceedings involving natural gas service rates of three affiliated gas companies, Southern California Gas Co., Southern Counties Gas Company of California, and Pacific Lighting Service Co. (California PUC Applications Nos. 51567, 51568, and 51569).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JOHN W. CHAPMAN, Jr.,  
Acting Administrator  
of General Services.

JANUARY 20, 1970.

[F.R. Doc. 70-910; Filed, Jan. 23, 1970;  
8:46 a.m.]

[Federal Property Management Regulations;  
Temporary Regulation F-63]

**SECRETARY OF DEFENSE****Delegation of Authority**

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a water and sewage service rate proceeding.

2. *Effective date.* This regulation is effective immediately.



3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Puerto Rico Aqueduct and Sewer Authority in a proceeding involving water and sewage service rates in Puerto Rico.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JOHN W. CHAPMAN, Jr.,  
Acting Administrator  
of General Services.

JANUARY 20, 1970.

[F.R. Doc. 70-909; Filed, Jan. 23, 1970;  
8:45 a.m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below \$1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below \$1 an hour in the base period.

Annes Department Store, department store; 4810-20 North Milwaukee Avenue, Chicago, Ill.; 10-29-69 to 10-28-70.

Butler's Department Store, department store; 54 Main Street, Waterville, Maine; 11-8-69 to 11-7-70.

Duckwall Stores Co., variety-department store; No. 43, Scott City, Kans.; 11-13-69 to 11-12-70.

Easter Super Valu, foodstore; 121 North Walnut, Colfax, Iowa; 11-1-69 to 10-31-70.

Evansville Mercantile Association, department store; 21 West Main, Evansville, Wis.; 11-3-69 to 11-2-70.

Exira Super Valu, foodstore; Exira, Iowa; 11-20-69 to 11-19-70.

Fandel Co., department store; St. Cloud, Minn.; 11-4-69 to 11-3-70.

M. H. Fishman Co., Inc., variety store; 88-90 Merchants Row, Rutland, Vt.; 11-21-69 to 11-20-70.

George's Market, Inc., foodstore; No. 2, Morristown, Tenn.; 11-1-69 to 10-31-70.

Gindlers Department Store, department store; 419 St. George, Gonzales, Tex.; 11-17-69 to 11-16-70.

Glen & Dee's Foodland, foodstore; 6007 Richfield Road, Flint, Mich.; 11-12-69 to 11-11-70.

Goldblatt Brothers, Inc., department store; 3311 West 26th Street, Chicago, Ill.; 10-28-69 to 10-27-70.

W. T. Grant Co., variety-department stores, from 10-27-69 to 10-26-70 except as otherwise indicated: No. 243, Galesburg, Ill. (10-28-69 to 10-27-70); No. 259, New Albany, Ind. (10-23-69 to 10-22-70); No. 578, Millville, N.J.; No. 761, El Paso, Tex.

Autry Greer & Sons, Inc., foodstores, from 10-7-69 to 10-6-70: Bay Minette, Ala.; Citronelle, Ala.; Fairhope, Ala.; Foley, Ala.; Jackson, Ala.; 2216 Dauphin Island Parkway, Mobile, Ala.; 3311 Dauphin Island Parkway, Mobile, Ala.; Monroeville, Ala.; Saraland, Ala.; Lucedale, Miss.

Haines Super Market, foodstores, from 10-26-69 to 10-25-70: 551 State Street, Clairton, Pa.; Pleasant Hills, Pittsburgh, Pa.

Hart's Department Store, department store; 955 Fourth Avenue, New Kensington, Pa.; 10-25-69 to 10-24-70.

Harvey's Dime Store, Inc., variety store; 108 North Broad, Griffith, Ind.; 10-29-69 to 10-28-70.

S. H. Heironimus Co., Inc., department store; 405 South Jefferson Street, Roanoke, Va.; 11-1-69 to 10-31-70.

Hillis Supermarket, foodstore; 1102 South Second Street, Lawton, Okla.; 11-10-69 to 11-9-70.

Jewish Home for Aged, nursing home; 158 North Street, Portland, Maine; 11-3-69 to 11-2-70.

Kientz IGA, foodstore; 1016 West Sixth; Junction City, Kans.; 11-18-69 to 11-17-70.

S. S. Kresge Co., variety-department stores: No. 88, Belleville, Ill., 11-1-69 to 10-31-70; No. 101, South Bend, Ind., 10-24-69 to 10-23-70; No. 1039, Newport, Ky., 11-4-69 to 11-3-70; No. 6, Bay City, Mich., 10-22-69 to 10-21-70; No. 453, Clawson, Mich., 10-24-69 to 10-23-70; No. 490, Dearborn, Mich., 10-25-69 to 10-24-70; No. 696, Farmington, Mich., 10-28-69 to 10-27-70; No. 47, Cincinnati, Ohio, 11-14-69 to 11-13-70; No. 91, Huntington, W. Va., 10-25-69 to 10-24-70.

Dan Marsh Drugs, Inc., drugstore; 523 St. Germain, St. Cloud, Minn.; 11-8-69 to 11-7-70.

McCrory-McLellan-Green Stores, variety-department stores: No. 660, Flagstaff, Ariz., 11-8-69 to 11-7-70; No. 311, Key West, Fla., 11-22-69 to 11-21-70; No. 313, Natchez, Miss., 10-22-69 to 10-21-70; No. 576, Raleigh, N.C., 11-10-69 to 11-9-70; No. 109, Monongahela, Pa., 10-27-69 to 10-26-70.

McDonald's Hamburgers, restaurant; 1110 Camp Jackson Road, Cahokia, Ill.; 11-7-69 to 11-6-70.

McKelvey's, department store; 210 West Federal Street, Youngstown, Ohio; 11-17-69 to 11-16-70.

Middletown Merchandise Mart, department store; 3751 East Harrisburg Pike, Middletown, Pa.; 10-27-69 to 10-26-70.

H. Minkovitz & Sons, Inc., department store; First South Main Street, Statesboro, Ga.; 11-4-69 to 10-4-70.

Morgan & Lindsey, Inc., variety-department store; No. 3060, Westwego, La.; 11-18-69 to 11-17-70.

M. E. Moses Co., variety store; No. 22, Mesquite, Tex.; 11-16-69 to 11-15-70.

Neisner Brothers, Inc., variety-department stores: No. 136, Miami, Fla., 11-3-69 to 11-2-70; No. 172, Port Arthur, Tex., 11-16-69 to 11-15-70.

J. J. Newberry Co., variety-department stores: No. 166, Indiana Harbor, Ind., 11-12-69 to 11-11-70; No. 85, Calais, Maine, 10-22-69 to 10-21-70; No. 411, Richmond Heights, Mo., 11-10-69 to 11-9-70; No. 17, New Brunswick, N.J., 10-25-69 to 10-24-70; No. 13, Newport, Pa., 10-26-69 to 10-25-70; No. 278, Huron, S. Dak., 9-3-69 to 9-2-70.

Parsons, Inc., department store; Duluth, Ga.; 11-21-69 to 11-20-70.

Powell Pharmacy, drugstore; 219 East Main Street, Salem, Va.; 11-12-69 to 11-11-70.

The Queen City Store, apparel store; 118 West Third Street, Marion, Ind.; 11-10-69 to 11-9-70.

RX Drugs Co., Inc., drugstore; 157 Laurens, Aiken, S.C.; 11-7-69 to 11-6-70.

Radcliff Department Store, Inc., department store; 374 North Dixie Boulevard, Radcliff, Ky.; 10-22-69 to 10-21-70.

Rayless Department Store, variety-department store; 9 and 11 West Fourth Street; Winston-Salem, N.C.; 10-27-69 to 10-26-70.

Ronk's Variety Store, Inc., variety store; Covington, Tenn.; 11-13-69 to 11-12-70.

Royal's, Inc., department stores, from 10-28-69 to 10-27-70: 400 Southwest Avenue A, Belle Glade, Fla.; 112 Bond Street, Clewiston, Fla.

Schaper's IGA Foodliner, foodstore; 528 West Main Street, Jackson, Mo.; 11-6-69 to 11-5-70.

Schradzki Co., apparel store; 213-215 Southwest Adams, Peoria, Ill.; 11-10-69 to 11-9-70.

Schulte & Treide, variety store; 7816 Harford Road, Baltimore, Md.; 11-24-69 to 11-23-70.

Scurlock's, Inc., foodstore; 725 North Sunshine Strip, Harlingen, Tex.; 11-8-69 to 11-7-70.

O. P. Skaggs, foodstore; 543 North Broad Street, Fremont, Nebr.; 11-15-69 to 11-14-70.

Spurgeon's, department stores: 113 First Street, Dixon, Ill., 11-8-69 to 11-7-70; 604 Broadway, Lincoln, Ill., 11-15-69 to 11-14-70; 723 Washington, Mendota, Ill., 11-8-69 to 11-7-70; 227 South Main Street, Monmouth, Ill., 11-15-69 to 11-14-70; 519 South Main, Princeton, Ill., 11-6-69 to 11-5-70; 429 Lincoln Highway, Rochelle, Ill., 11-6-69 to 11-5-70; 131 West Broadway, Owatonna, Minn., 10-18-69 to 10-17-70; 216-218 Bush Street, Red Wing, Minn., 11-15-69 to 11-14-70.

Sterling Stores Co., Inc., variety stores, from 11-1-69 to 10-31-70 except as otherwise indicated: 209 East Cypress, Brinkley, Ark. (10-23-69 to 10-22-70); 121 West Main Street, Walnut Ridge, Ark.; 107 North New Madrid, Sikeston, Mo.

T. G. & Y. Stores Co., variety-department stores; No. 228, Baton Rouge, La.; 11-15-69 to 11-14-70.

Walter's Red & White, Inc., foodstore; 304 South Parler Avenue, St. George, S.C.; 11-1-69 to 10-31-70.

The Webber Co., Inc., department store; 39 North Perry Street, Montgomery, Ala.; 10-25-69 to 10-24-70.

William C. Wiechmann Co., department store; 116 South Jefferson, Saginaw, Mich.; 11-9-69 to 11-8-70.

Worth's, apparel store; 95 Bank Street; Waterbury, Conn.; 11-18-69 to 11-17-70.



The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Max Adler Co., apparel store; 2524 Miracle Lane, Mishawaka, Ind.; office clerk, stock clerk, salesclerk; 3 to 7 percent; 10-17-69 to 10-16-70.

Breen's Market, Inc., foodstore; 334 North Main Street, Milford, Mich.; carryout, stock clerk; 13 to 20 percent; 11-16-69 to 11-15-70.

Crest Stores Co., variety store; Villa Park Shopping Center, Conover, N.C.; salesclerk, stock clerk; 10 to 45 percent; 11-10-69 to 11-9-70.

Duckwall Stores Co., variety-department store; No. 4, Clay Center, Kans.; salesclerk, stock clerk; 8 to 35 percent; 11-10-69 to 11-9-70.

Economy Super Market, foodstore; 1875 Perry Boulevard, NW, Atlanta, Ga.; carryout; 8 to 11 percent; 10-20-69 to 10-19-70.

English Chick 'N Steak House, restaurant; 8600 A Ritchie Highway, Glen Burnie, Md.; salesclerk, cleanup, kitchen help; 30 percent; 11-24-69 to 11-23-70.

Erdman Supermarkets, Inc., foodstore; Oakdale Shopping Center, Owatonna, Minn.; checker, stock clerk, carryout, cleanup; 10 percent; 11-20-69 to 11-19-70.

Family Department Store, variety-department store; No. 84, Phoenix, Ariz.; salesclerk; 5 to 26 percent; 10-13-69 to 10-14-70.

W. T. Grant Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, cashier except as otherwise indicated: No. 1051, Indianapolis, Ind., 7 to 10 percent, 10-24-69 to 10-23-70; No. 174, Mishawaka, Ind., 7 to 37 percent, 11-20-69 to 11-19-70; No. 1100, Cedar Falls, Iowa, 2 to 14 percent, 10-24-69 to 10-23-70 (salesclerk, stock clerk); No. 945, Union, N.J., 8 to 33 percent, 10-27-69 to 10-26-70; No. 1018, Fargo, N. Dak., 3 to 16 percent, 11-8-69 to 11-7-70; No. 926, Cleveland, Ohio, 6 to 12 percent, 11-2-69 to 11-1-70; No. 235, Shamokin Dam, Pa., 5 to 25 percent, 11-13-69 to 11-12-70.

Autry Greer & Sons, Inc., foodstore; Sixth South McGregor Avenue, Mobile, Ala.; bagger; 15 to 16 percent; 10-7-69 to 10-6-70.

Handy-Andy, Inc., foodstore; No. 28, San Antonio, Tex.; package clerk, stock clerk, dairy stock clerk, bottle sorter, produce clerk, bakery clerk, office cashier, janitorial, checker; 23 to 31 percent; 10-26-69 to 10-25-70.

S. H. Heironimus Co., Inc., department stores, for the occupations of salesclerk, stock clerk, gift wrapper, 0 to 6 percent, 11-1-69 to 10-31-70: Crossroads Mall, Roanoke, Va.; Towers Shopping Center, Roanoke, Va. Jenny Lee Bakery, bakery store; South Hills Village, Pittsburgh, Pa.; salesclerk; 17 to 22 percent; 11-2-69 to 11-1-70.

S. S. Kresge Co., variety-department stores; No. 763, Daytona Beach, Fla., salesclerk, 5 to 12 percent, 11-7-69 to 9-2-70; No. 4283, Jacksonville, Fla., salesclerk, stock clerk, office clerk, checker-cashier, maintenance, customer service, 7 to 21 percent, 11-3-69 to 11-2-70; No. 4279, Lauderdale, Fla., salesclerk, 1 to 12 percent, 11-14-69 to 11-13-70; No. 786,

Miami, Fla., salesclerk, 1 to 12 percent, 10-30-69 to 10-29-70; No. 4245, Tampa, Fla., salesclerk, 7 to 24 percent, 10-31-69 to 10-30-70; No. 4135, Augusta, Ga., salesclerk, 4 to 14 percent, 11-20-69 to 11-19-70; No. 4242, Macon, Ga., checker-cashier, salesclerk, 11 to 22 percent, 11-22-69 to 11-21-70; No. 4044, Savannah, Ga., salesclerk, 3 to 13 percent, 9-22-69 to 9-18-70; No. 4030, Danville, Ill., salesclerk, stock clerk, checker-cashier, office clerk, 7 to 29 percent, 10-26-69 to 10-25-70; No. 4097, Elgin, Ill., salesclerk, stock clerk, checker-cashier, office clerk, 5 to 10 percent, 11-1-69 to 10-31-70; No. 4107, Peoria, Ill., salesclerk, stock clerk, checker-cashier, office clerk, 9 to 16 percent, 10-24-69 to 10-23-70; No. 4048, Springfield, Ill., salesclerk, stock clerk, checker-cashier, office clerk, 9 to 16 percent, 10-21-69 to 10-20-70; No. 4035, Anderson, Ind., salesclerk, stock clerk, checker-cashier, office clerk, 10 percent, 10-31-69 to 10-30-70; No. 4067, Fort Wayne, Ind., salesclerk, stock clerk, checker-cashier, office clerk, 5 to 10 percent, 11-9-69 to 11-8-70; No. 4124, Terre Haute, Ind., salesclerk, stock clerk, checker-cashier, office clerk, 10 percent, 11-7-69 to 11-6-70; No. 4105, Ann Arbor, Mich., stock clerk, salesclerk, maintenance, checker-cashier, office clerk, food preparation, customer service, 10 percent, 11-9-69 to 11-8-70; No. 4065, Battle Creek, Mich., stock clerk, salesclerk, maintenance, checker-cashier, office clerk, food preparation, customer service, 3 to 10 percent, 11-11-69 to 11-10-70; No. 4118, Grand Rapids, Mich., stock clerk, maintenance, office clerk, food preparation, salesclerk, checker-cashier, customer service, 4 to 10 percent, 11-2-69 to 11-1-70; No. 4098, Monroe, Mich., stock clerk, salesclerk, maintenance, checker-cashier, office clerk, food preparation, customer service, 10 percent, 11-2-69 to 11-1-70; No. 4145, Mount Clemens, Mich., stock clerk, salesclerk, maintenance, checker-cashier, office clerk, food preparation, customer service, 10 percent, 11-9-69 to 11-8-70; No. 4099, Mount Morris, Mich., stock clerk, salesclerk, maintenance, checker-cashier, office clerk, checker-cashier, food preparation, customer service, 10 percent, 11-2-69 to 11-1-70; No. 4535, Owosso, Mich., stock clerk, salesclerk, maintenance, checker-cashier, office clerk, food preparation, customer service, 10 percent, 11-8-69 to 11-7-70; No. 4096, Saginaw, Mich., stock clerk, maintenance, office clerk, food preparation, salesclerk, checker-cashier, customer service, 10 percent, 11-2-69 to 11-1-70; No. 4059, Taylor, Mich., stock clerk, maintenance, salesclerk, checker-cashier, office clerk, food preparation, customer service, 10 percent, 11-15-69 to 11-14-70; No. 115, Troy, Mich., stock clerk, salesclerk, maintenance, checker-cashier, office clerk, food preparation, customer service, 10 percent, 11-6-69 to 11-5-70; No. 4106, Ypsilanti, Mich., stock clerk, salesclerk, maintenance, checker-cashier, office clerk, food preparation, customer service, 10 percent, 10-31-69 to 10-30-70; No. 135, Minneapolis, Minn., salesclerk, stock clerk, checker-cashier, office clerk, 10 to 20 percent, 11-17-69 to 11-16-70; No. 4310, Fayetteville, N.C., salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 11 to 22 percent, 11-10-69 to 11-9-70; No. 4150, Altoona, Pa., salesclerk, 3 to 10 percent, 11-16-69 to 11-15-70; No. 4275, Mechanicsburg, Pa., bagger, stock clerk, office clerk, 6 to 29 percent, 11-3-69 to 11-2-70; No. 4064, North Versailles, Pa., stock clerk, salesclerk, bagger, 6 to 10 percent, 11-19-69 to 11-18-70; No. 4055, Pittsburgh, Pa., salesclerk, stock clerk, bagger, 6 to 29 percent, 11-18-69 to 11-17-70; No. 4317, Florence, S.C., salesclerk, maintenance, 11 to 40 percent, 9-30-69 to 9-29-70; No. 779, Spartanburg, S.C., salesclerk, 11 to 22 percent, 11-18-69 to 9-2-70; No. 4300, Dallas, Tex., salesclerk, 7 to 27 percent, 10-31-69 to 10-30-70; No. 4094, Houston, Tex., salesclerk, 7 to 27 percent, 11-11-69 to 11-

10-70; Nos. 4197 and 4223, Houston, Tex., salesclerk, 7 to 27 percent, 11-16-69 to 11-15-70; No. 4267, Hurst, Tex., salesclerk, 7 to 27 percent, 10-31-69 to 10-30-70; No. 741, Lubbock, Tex., salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 1 to 10 percent, 11-21-69 to 11-20-70; No. 4025, Tyler, Tex., salesclerk, 7 to 27 percent, 10-21-69 to 10-20-70; No. 4255, Janesville, Wis., salesclerk, stock clerk, officer clerk, checker-cashier, 5 to 10 percent, 11-1-69 to 10-31-70; No. 4517, Janesville, Wis., salesclerk, stock clerk, checker-cashier, office clerk, 11 to 29 percent, 10-10-69 to 10-9-70.

Lerner Shops, apparel stores, for the occupations of salesclerk, cashier, credit clerk: No. 197, Gainesville, Fla., 0.8 to 25 percent, 11-9-69 to 11-8-70; No. 193, Tampa, Fla., 4 to 18 percent, 10-28-69 to 9-22-70; No. 199, Titusville, Fla., 4 to 17 percent, 11-11-69 to 11-10-70; No. 254, Omaha, Nebr., 10 to 17 percent, 11-16-69 to 11-15-70; No. 331, Houston, Tex., 4 to 11 percent, 10-21-69 to 10-20-70.

May's Drug Store, drug store; No. 201, Peru, Ill.; salesclerk, stock clerk; 5 to 8 percent; 11-18-69 to 11-17-70.

McCrory-McLellan-Green Stores, variety-department stores, for the occupations of salesclerk, stock clerk, office clerk except as otherwise indicated: No. 331, East Dover, Del., 27 to 38 percent, 11-15-69 to 11-14-70 (salesclerk, cashier); No. 392, North Riverside, Ill., 11 to 27 percent, 11-2-69 to 11-1-70; No. 374, Framingham, Mass., 7 to 15 percent, 11-8-69 to 11-7-70; No. 253, Grand Rapids, Mich., 10 to 27 percent, 10-22-69 to 10-21-70; No. 692, Ionia, Mich., 2 to 30 percent, 11-9-69 to 11-8-70; No. 238, Menominee, Mich., 10 to 33 percent, 11-9-69 to 11-8-70; No. 393, Southgate, Mich., 10 to 27 percent, 10-22-69 to 10-21-70; No. 260, Oxford, Miss., 7 to 27 percent, 11-16-69 to 11-15-70 (salesclerk, stock clerk); No. 1306, Bricktown, N.J., 11 to 32 percent, 11-4-69 to 11-3-70; No. 224, Hazleton, Pa., 15 to 32 percent, 11-16-69 to 11-15-70; No. 332, Shavertown, Pa., 12 to 23 percent, 11-15-69 to 11-14-70; No. 165, Dallas, Tex., 11 to 15 percent, 11-20-69 to 11-19-70; No. 1020, Fort Worth, Tex., 18 to 39 percent, 10-27-69 to 10-26-70 (salesclerk, stock clerk).

Morgan & Lindsey, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk except as otherwise indicated: No. 3123, Monroe, La., 6 to 31 percent, 11-7-69 to 11-6-70 (salesclerk, stock clerk); No. 3129, Natchitoches, La., 12 to 45 percent, 11-10-69 to 11-9-70; No. 3125, Ruston, La., 12 to 45 percent, 11-15-69 to 11-14-70; No. 3062, Gulfport, Miss., 4 to 22 percent, 11-6-69 to 11-5-70 (salesclerk, stock clerk); No. 3059, Conroe, Tex., 10 to 27 percent, 11-1-69 to 10-31-70.

Neisner Brothers, Inc., variety-department store; No. 41, Tampa, Fla., salesclerk, stock clerk, office clerk; 10 to 29 percent; 11-23-69 to 11-22-70.

J. J. Newberry Co., variety-department stores, from 11-1-69 to 10-31-70: No. 476, Macon, Ga., salesclerk, 10 percent; No. 112, East Brunswick, N.J., salesclerk, office clerk, 8 to 10 percent.

Piggly Wiggly, foodstore; 710 East Blackhawk Avenue, Prairie du Chien, Wis.; bagger, carryout; 17 to 22 percent; 11-10-69 to 11-9-70.

Rose's Stores, Inc., variety-department store; No. 3, Louisville, N.C., salesclerk, stock clerk; 5 to 27 percent; 11-19-69 to 11-18-70.

Schradzki Co., apparel store; 4125 Sheridan Road, Peoria, Ill.; salesclerk, office clerk, marker; 3 to 12 percent; 11-10-69 to 11-9-70.

Shady Oaks, nursing home; Lake City, Iowa; nurses' aide, kitchen helper; 8 to 13 percent; 10-30-69 to 10-29-70.

Sterling Stores Co., Inc., variety store; 1119 South Bellevue at McLeMore, Memphis, Tenn.; janitorial, salesclerk, stock clerk; 12 to 43 percent; 11-1-69 to 10-31-70.



T. G. & Y. Stores Co., variety-department stores, for the occupations of salesclerk, office clerk, stock clerk except as otherwise indicated: No. 187, Phoenix, Ariz., 20 to 30 percent, 9-22-69 to 9-21-70 (salesclerk, stock clerk); No. 568, Hawthorne, Calif., 20 to 30 percent, 9-23-69 to 9-22-70 (salesclerk, stock clerk); No. 593, San Bernardino, Calif., 20 to 31 percent, 9-22-69 to 9-21-70 (salesclerk, stock clerk); No. 628, San Luis Obispo, Calif., 20 to 30 percent, 11-15-69 to 11-14-70; No. 1303, Fort Myers, Fla., 2 to 16 percent, 11-21-69 to 11-20-70; No. 768, St. Petersburg, Fla., 2 to 17 percent, 11-25-69 to 11-24-70; No. 735, St. Petersburg Beach, Fla., 10 to 29 percent, 11-5-69 to 11-4-70; No. 789, Monroe, La., 3 to 15 percent, 11-4-69 to 11-3-70; No. 21, Shawnee, Okla., 20 to 30 percent, 11-14-69 to 11-13-70; Nos. 467 and 469, Tulsa, Okla., 24 to 30 percent, 11-8-69 to 11-7-70; No. 340, Houston, Tex., 30 percent, 11-14-69 to 11-13-70; No. 779, Nederland, Tex., 30 percent, 11-14-69 to 11-13-70; No. 822, Odessa, Tex., 20 to 21 percent, 11-15-69 to 11-14-70.

Van Arsdell's, Inc., department store; 37 Signal Hills, West St. Paul, Minn.; salesclerk, stock clerk, office clerk, gift wrapper, marker; 3 to 14 percent; 10-22-69 to 10-21-70.

Wood's 5 & 10¢ Stores, Inc., variety stores, for the occupations of salesclerk, stock clerk, 11-6-69 to 11-5-70 except as otherwise indicated: East Gate Shopping Center, Chapel Hill, N.C., 9 to 34 percent (11-1-69 to 10-31-70); Biggs Park Shopping Center, Lumberton, N.C., 8 to 19 percent; Conway Shopping Center, Conway, S.C., 9 to 20 percent.

Worth's, apparel store; 920-75 Wolcott Road, Waterbury, Conn.; office clerk, stock clerk, salesclerk, receiving clerk, display assistant; 2 to 10 percent; 11-24-69 to 11-23-70.

Younker Brothers, Inc., department store; 901 East 27th Street, Cedar Falls, Iowa; salesclerk, stock clerk, office clerk, marker, delivery clerk, messenger, wrapper, janitorial, clean up; 9 to 16 percent; 11-15-69 to 11-14-70.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 16th day of January 1970.

ROBERT G. GRONEWALD,  
Authorized Representative  
of the Administrator.

[F.R. Doc. 70-931; Filed, Jan. 23, 1970;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 21, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 41867—*Superphosphate from Aurora and Lee Creek, N.C.* Filed by O. W. South, Jr., agent (No. A6151), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in bulk, in carloads, as described in the application, from Aurora and Lee Creek, N.C., to Kolbe and Peoria, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 41 to Southern Freight Association, agent, tariff ICC S-818.

By the Commission

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-935; Filed, Jan. 23, 1970;  
8:48 a.m.]

[Notice 10]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 20, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also

in field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 26968 (Sub-No. 1 TA), filed January 15, 1970. Applicant: CARL S. EPPS TRUCKING, INC., 55 Provost Street, Brooklyn, N.Y. 11222. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering and materials and supplies used in the installation and maintenance of floor covering*; from Teterboro, N.J. to New York, N.Y., and points in Nassau, Rockland and Westchester Counties, N.Y., for 150 days. Supporting shipper: Empire Carpet Corp., 25-11 Hunterspoint Avenue, Long Island City, N.Y. 11101. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 41116 (Sub-No. 41 TA), filed January 15, 1970. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 1504, Crowley, La. 70526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from De Ridder, La., to Beaumont, Orange, and Port Arthur, Tex., and Lake Charles, La., for 180 days. Supporting shipper: Boise Cascade Corp., Post Office Box 7747, Boise, Idaho 83707. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 87966 (Sub-No. 12 TA), filed January 6, 1970. Applicant: ELEVELED CHICAGO FURNITURE SERVICE, INC., 4020 West 24th Street, Chicago, Ill. 60623. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures*, as defined in Appendix III to Ex Parte MC-45, as amended, and *parts thereof*; also, *supplies and materials*, used in the installation of said store and office fixtures (except commodities in bulk), from the plantsite and facilities of Packerland Woodworking Corp., at or near Oconto, Wis., to points in Connecticut, Delaware, District of Columbia, Illinois, except points in the Chicago, Ill., commercial zone, Rockford, St. Charles, Elgin, Naperville, and Kankakee, Ill.; Indiana, except Michigan City, Ind.; Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington, and West Virginia, for 180 days.



Supporting shipper: Capitol Fixture and Construction Corp., 7101 North Cicero Avenue, Lincolnwood, Ill. 60646. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 107934 (Sub-No. 22 TA), filed January 8, 1970. Applicant: BYRD MOTOR LINE, INCORPORATED, Post Office Box 787, Talbert Boulevard, Lexington, N.C. 27292. Applicant's representative: John R. Sims, Jr., 711 14th Street NW, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Surry County, N.C., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin, for 180 days. Supporting shippers: Mount Airy Furniture Co., Box 1247, Mount Airy, N.C. 27030; National Furniture Co., Inc., Post Office Box 867, Mount Airy, N.C. 27030; Mount Airy Table Co., Post Office Box 550, Mount Airy, N.C. 27030. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417, (BSR Bldg.), Charlotte, N.C. 28202.

No. MC 113951 (Sub-No. 4) (Correction), filed December 8, 1969, published *FEDERAL REGISTER*, issue of December 19, 1969, and republished as corrected this issue. Applicant: CRESSY TRANS. CO., INC., 109 Glenellen Road, West Roxbury (Boston), Mass. 02132. Applicant's representative: George C. O'Brien, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Wilmington, Del., Providence, R.I., and Fall River, Mass., to Bath, and Gardiner, Maine, and Manchester, N.H., for 180 days. Note: Previous publication failed to indicate that applicant intends to tack this authority to that held in No. MC 113951. Supporting shipper: S. Praver & Co., 120-154 Commercial Street, Bath, Maine. Send protests to: District Supervisor Richard D. Mansfield, Interstate Commerce Commission, Bureau of Operations, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 114273 (Sub-No. 55 TA), filed January 6, 1970. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are used or sold by manufactures of iron and steel and iron and steel products*, between Cedar Rapids, Iowa, on the one hand, and on the other, points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, Wisconsin, and Arkansas, for

180 days. Supporting shipper: Iowa Steel & Iron Works, Inc., 400 12th Avenue SE., Cedar Rapids, Iowa 52401. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 115826 (Sub-No. 199 TA), filed January 6, 1970. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Denver, Colo. 80217. Applicant's representative: Robert R. Digby, 209 Luhrs Building, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and articles distributed by meat packinghouses* as described in sections A and C of appendix I of Description in *Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Liberal, Kans., to points in Arizona, California, Colorado, Florida, Georgia, Idaho, Montana, Oregon, South Carolina, Utah, and Washington, for 180 days. Supporting shipper: National Beef Packing Co., Inc., 300 Central Avenue, Kansas City, Kans. 66118. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 115826 (Sub-No. 200 TA), filed January 6, 1970. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Denver, Colo. 80217. Applicant's representative: Robert R. Digby, 209 Luhrs Building, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Omaha, Nebr., Council Bluffs, Iowa, commercial zone, to points in Arizona, California, Colorado, Montana, New Mexico, Nevada, Oklahoma, Oregon, Texas, Utah, and Washington, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 119361 (Sub-No. 6 TA), filed January 7, 1970. Applicant: G & W TRUCK LINE, INC., 1601 East Fourth, Hutchinson, Kans. 67501. Applicant's representative: Edward T. Lyons, Jr., Suite 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising matter*, from Belleville, Ill., to the warehouse facilities of Saporito Beverage Co., near Columbus, Kans., and the warehouse facilities of J. H. Saip Beverage Co., Inc., near Manhattan, Kans., for 150 days. Supporting shippers: J. H. Saip Beverage Co., Inc., Box 266, Route 2, Manhattan, Kans.; Saporito Beverage Co., Route 3, Columbus, Kans. Send protests to: M. E.

Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 119626 (Sub-No. 6 TA), filed January 8, 1970. Applicant: ILL.-PAC COAST TRANSPORTATION CO., 1601 Market Street, Madison, Ill. 62060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificate* 61 M.C.C. 209 and 766, from Springfield, Ill., to Phoenix and Tucson, Ariz., and Las Vegas, Nev., for 180 days. Supporting shipper: B. Constantino & Sons, Co., Post Office Box 1858, Springfield, Ill. 62705. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 134189 (Sub-No. 1 TA), filed January 8, 1970. Applicant: HARRY F. ANDRESS, doing business as H & B TRUCKING, Post Office Box 694, Stroudsburg, Pa. 18360. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Periodical publications, and related items and documents*, from East Stroudsburg, Pa., to New York, N.Y.; Fort Washington (Long Island), N.Y.; and Parsippany, N.J., and materials, supplies and equipment used in the printing of periodical publications for the account of Hughes Printing Co., periodical publications for the account of Hughes Printing Co., on return, for 150 days. Supporting shipper: Hughes Printing Co., East Stroudsburg, Pa. 18301. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 134192 TA (Amendment), filed December 8, 1969, and published in the *FEDERAL REGISTER* issue of December 20, 1969, and republished as amended, this issue. Applicant: COMMERCIAL CARRIERS, INC., Sissonville Road, U.S. Highway No. 21 North, Post Office Box No. 366, Charleston, W. Va. 25322. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail and wholesale discount stores, from manufacturers and supply houses at Louisville, Ky., Cleveland and Dover, Ohio, and Philadelphia and Pittsburgh, Pa., to Heck's, Inc., stores and warehouses at Ashland and Frankfort, Ky., Belpre, Ohio, and Charleston, Clarksburg, Elkins, Huntington, Morgantown, Nitro, Parkersburg, and Wheeling, W. Va., for 180 days.* NOTE: Applicant presently holds a common carrier certificate in Docket No. MC 110659, to transport malt beverages, grain and grain products, crockery and household goods, all inactive except malt beverage authority. The purpose of this amendment is to change the commodity



and territory scope. Supporting shipper: Heck's, Inc., 1012 Kanawha Boulevard, East, Post Office Box No. 2233, Charleston, W. Va. 25328, Attention: Marvin L. Meadows, Traffic Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

#### MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 145 TA), filed January 6, 1970. Applicant: GREY-HOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: W. M. Beeler (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, express and newspapers*, in the same vehicle with passengers, between Grand Forks, N. Dak., and Warren, Minn., from Grand Forks, over U.S. Highway 2 to East Grand Forks, Minn., thence over Minnesota Highway 220 to Alvarado, Minn., thence over Minnesota Highway 1 to Warren, Minn., and return over the same route, serving all intermediate points, for 150 days. NOTE: Applicant states it will tack with its various subs in MC 1515 and interline with other carrier at Grand Forks, N. Dak. Supported by: Lee Selness, Alvarado, Minn.; Robert Lee, East Grand Forks, Minn.; Michael R. Jacobs, East Grand Forks, Minn.; Frank P. Hoffert, East Grand Forks, Minn.; Louis Murray, East Grand Forks, Minn.; C. C. Sundell, Alvarado, Minn. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-936; Filed, Jan. 23, 1970;  
8:48 a.m.]

[Notice 11]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 21, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and

will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 28573 (Sub-No. 31 TA), filed January 8, 1970. Applicant: GREAT NORTHERN RAILWAY COMPANY, 175 East Fourth Street, St. Paul, Minn. 55101. Applicant's representative: Byron D. Olsen (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities in bulk, serving Valier, Mont., as an off-route point in connection with applicant's presently authorized regular route operation between Great Falls and Shelby, Mont., limited to service which is auxiliary to, or supplemental of, its rail service, for 180 days. Supporting shippers: Clayton Briden, Jr., Briden Chevrolet, Inc., Valier, Mont.; Richard F. Kuka, Dick's Grocery, Valier, Mont.; DeVoe Swank, Swank Enterprises, Valier, Mont. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 29120 (Sub-No. 113 TA), filed January 2, 1970. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, S. Dak. 57101. Applicant's representative: E. J. Dwyer (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Sioux City, Iowa, and Spirit Lake, Iowa, from Sioux City over U.S. Highway 75 to junction Iowa Highway 33 near Le Mars, thence over Iowa Highway 33 to junction U.S. Highway 18 at Sheldon, thence over U.S. Highway 18 to junction U.S. Highway 71, thence over U.S. Highway 71 to Spirit Lake and return over the same route, serving all intermediate points and the off-route points of Archer, Boyden, Everly, and Terrell; (2) between Sioux City, Iowa, and junction U.S. Highway 18 and U.S. Highway 71, from Sioux City over U.S. Highway 20 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 18 and U.S. Highway 71 (north of Spencer) and return over the same route, serving all intermediate points except those between Sioux City and the junction of U.S. Highway 20 and U.S. Highway 71, and the off-route points of Cornell and Royal; (3) between Le Mars, Iowa, and Hospers, Iowa, from Le Mars over U.S. Highway 75 to junction unnumbered highway south of Sioux Center, thence over unnumbered highway to Hospers and return over the same route, serving all

intermediate points and the off-route point of Middleburg;

(4) Between junction Iowa Highway 10 and U.S. Highway 75, and junction U.S. Highway 71 over Iowa Highway 10, serving all intermediate points and the off-route points of Calumet, Gaza, Germantown, and Linn Grove; (5) between Le Mars, Iowa, and Storm Lake, Iowa, over Iowa Highway 5, serving all intermediate points and the off-route points of Marcus and Oyens; (6) between Des Moines, Iowa, and Spirit Lake, Iowa, from Des Moines over U.S. Highway 69 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction U.S. Highway 18, thence over U.S. Highway 18 to junction Iowa Highway 17, thence over Iowa Highway 17 to junction Iowa Highway 9, thence over Iowa Highway 9 to Spirit Lake and return over the same route, serving all intermediate points, except Algona, Humboldt, Jewell, and Webster City. Service to the off-route point of Whittemore. No service at Fort Dodge on shipments from or to Des Moines; (7) between junction U.S. Highway 169 and Iowa Highway 3 and junction Iowa Highway 10 and U.S. Highway 71, from junction U.S. Highway 169 and Iowa Highway 3 over Iowa Highway 17, thence over Iowa Highway 17 to junction Iowa Highway 10, thence over Iowa Highway 10 to junction Iowa Highway 71 and return over the same route; serving the off-route points of Mallard, Plover, and Rolfe; (8) between junction U.S. Highway 71 and U.S. Highway 20 and Fort Dodge, Iowa, over U.S. Highway 20, serving no intermediate points; (9) between junction U.S. Highway 18 and Iowa Highway 17 and junction U.S. Highway 18 and U.S. Highway 71, over U.S. Highway 18, serving all intermediate points;

(10) Between Estherville, Iowa, and junction U.S. Highway 18 and U.S. Highway 169, from Estherville over Iowa Highway 9 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction U.S. Highway 18 and U.S. Highway 169 and return over the same route, serving all intermediate points and the off-route points of Fenton, Lone Rock, Maple Hill, and Ringstead; (11) between Waterloo, Iowa, and junction U.S. Highway 20 and U.S. Highway 69; from Waterloo over U.S. Highway 20 to junction U.S. Highway 20 and U.S. Highway 69 and return over the same route, serving the intermediate points of Alden, Cedar Falls, and Iowa Falls; (12) between Iowa Falls, Iowa, and junction U.S. Highway 65 and Iowa Highway 64, over U.S. Highway 65, serving all intermediate points and the off-route points of Buckeye and Radcliffe; (13) between Des Moines, Iowa, and Waterloo, Iowa, from Des Moines over Iowa Highway 64 to junction Iowa Highway 330, thence over Iowa Highway 339 to junction Iowa Highway 14, thence over Iowa Highway 14, to junction Iowa Highway 57, thence over Iowa Highway 57, to Waterloo and return over the same route, serving all intermediate points and the off-route points of Albion, Baxter, Bea-



man, Bondurant, Conrad, Gifford, Gladbrook, Green Mountain, Ira, Lawn Hill, Lincoln, Liscomb, Melbourne, Mingo, New Providence, Reinbeck, Rhodes, Union, and Whitten; (14) between Davenport and Bettendorf, Iowa, and Ames, Iowa, from Davenport and Bettendorf, over Iowa Highway 150 to junction U.S. Highway 30, thence over U.S. Highway 30 to Ames and return over the same route, serving all intermediate points and the off-route points of Atkins, Bell Plain, Blairstown, Chelsea, Clutier, Elberon, Keystone, Luzerne, Montour, Newhall, Norway, Van Horne, Vining, and Watkins;

(15) Between junction U.S. Highway 65 and Iowa Highway 57 and junction Iowa Highway 57 and Iowa Highway 14, over Iowa Highway 57, serving all intermediate points and the off-route points of Owassa and Steamboat Rock; (16) between Waterloo, Iowa, and Tama, Iowa, from Waterloo over U.S. Highway 63 to Tama and return over the same route, serving all intermediate points and the off-route point of Garwin; (17) between junction U.S. Highway 218 and U.S. Highway 30 and Waterloo, Iowa, over U.S. Highway 218, serving all intermediate points and the off-route points of Covington, Dysart, Evansdale, Garrison, Palo, and Shellsburg; (18) between junction Iowa 146 and U.S. Highway 30 and Ottumwa, Iowa, from junction Iowa Highway 146 and U.S. Highway 30 over Iowa Highway 146 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 63, thence over U.S. Highway 63 to Ottumwa and return over the same route, serving all intermediate points; (19) between Ottumwa, Iowa, and Washington, Iowa, from Ottumwa over U.S. Highway 34 to junction Iowa Highway 1, thence over Iowa Highway 1 to Washington and return over the same route, serving all intermediate points and the off-route point of Eldon; (20) between Marshalltown, Iowa, and junction U.S. Highway 6 and U.S. Highway 69, from Marshalltown over Iowa Highway 14 to Newton, thence over U.S. Highway 6 to junction U.S. Highway 6 and U.S. Highway 69 and return over the same route, serving all intermediate points;

(21) Between Cedar Rapids, Iowa, and Maynard, Iowa, over Iowa Highway 150, serving all intermediate points, from Cedar Rapids over U.S. Highway 151 to Iowa Highway 38 to junction Iowa Highway 3, thence over Iowa Highway 3 to junction Iowa Highway 154, thence over Iowa Highway 154 to junction Iowa Highway 150, thence over Iowa Highway 150 to Maynard and return over the same route, serving all intermediate points except those between Marion and Monticello including Monticello; (22) between Des Moines, Iowa, and Oskaloosa, Iowa, over Iowa Highway 163, serving no intermediate points; (23) between Waterloo, Iowa, and Independence, Iowa, over U.S. Highway 20, serving no intermediate points and Independence to be served for joinder only for operations between Waterloo and Cedar Rapids; (24) be-

tween Davenport-Bettendorf, Iowa, and Cedar Rapids, Iowa, from Davenport-Bettendorf, over Interstate 80 to junction U.S. Highway 218, thence over U.S. Highway 218 to Cedar Rapids and return over the same route, serving no intermediate points; (25) between Des Moines, Iowa, and Cedar Rapids, Iowa, from Des Moines over Interstate 80 to junction Iowa Highway 146, thence over Iowa Highway 146 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Iowa Highway 149, thence over Iowa Highway 149 to Cedar Rapids and return over the same route, serving no intermediate points;

(26) Between Des Moines, Iowa, and Fort Dodge, Iowa, from Des Moines over Interstate Highway 80 to junction Iowa Highway 141, thence over Iowa Highway 141 to junction U.S. Highway 169, thence over U.S. Highway 169 to Fort Dodge and return over the same route, no service to intermediate points, or at Fort Dodge, on shipments from or to Des Moines, for 180 days. Supporting shipper: There are approximately (111) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. NOTE: Applicant states it intends to tack with present authority under MC 29120 at Ames, Cedar Rapids, Estherville, Sioux City and/or Spencer, Iowa, and to interline with All-American Transport Inc., Operator (in part) of Takin Bros. Freightline, Inc., at Des Moines and/or Moline, Ill. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 109595 (Sub-No. 12 TA), filed January 9, 1970. Applicant: REX TRANSPORTATION CO., 34350 Goddard Road, Romulus, Mich. 48174. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, from Avon, Ind., to points in Indiana with no transportation for compensation on return except as otherwise authorized, restricted to traffic having a prior out-of-State movement by rail, for 180 days. Supporting shipper: General Portland Cement Co., 4000 Republic National Bank Tower, Post Office Box 324, Dallas, Tex. 75221. Send protests to: District Supervisor Gerald J. Davis, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 111467 (Sub-No. 20 TA), filed January 7, 1970. Applicant: ARTHUR J. PAPE, doing business as ART PAPE TRANSFER, Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer and dry fertilizer materials*

from Streator, Ill., to points in Indiana and points in Michigan on and west of U.S. Highway 27 and south of Interstate Highway 96; and (2) from Rock Island, Ill., to points in Wisconsin, Illinois, and Iowa, for 180 days. Supporting shipper: Smith-Douglass, Division, Borden Chemical, Borden, Inc., Norfolk, Va. (Carl G. Prendergast, Assistant General Traffic Manager). Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 111941 (Sub-No. 20 TA), filed January 9, 1970. Applicant: PIERCE-TON TRUCKING CO., INC., Post Office Box 233, Laketon, Ind. 46943. Applicant's representative: Alki E. Scopelitis, 816 Merchants Bank Building, 11 South Meridian Street, Indianapolis, Ind. 46104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prefabricated steel, and materials, equipment, and supplies* used in the installation and erection of prefabricated steel, when moving at the same time and in the same vehicle with prefabricated steel, from Dearborn, Mich.; (1) the Ford Motor Co. assembly plant at or near Metuchen, N.J.; and (2) Chrysler Corp. warehouse at or near Solon, Ohio, for 180 days. Supporting shipper: Unit Steel Corp., 500 Stecker, Detroit, Mich. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 128882 (Sub-No. 3 TA), filed January 9, 1970. Applicant: R. W. STEELE, doing business as R. W. TRUCKING COMPANY, 320 Heaslet Street, Clovis, N. Mex. 88101. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts thereof*, between Greeley, Colo., and points within 5 miles thereof, on the one hand, and, on the other, points in Kansas, Oklahoma, Texas, and New Mexico under a continuing contract with Sprink-L-Rite Corp., for 180 days. Supporting shipper: Sprink-L-Rite Corp., 421 Sycamore Street, Clovis, N. Mex. 88101. Send protests to: Wm. R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building and U.S. Courthouse, 500 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 134085 (Sub-No. 1 TA), filed January 2, 1970. Applicant: TRANS-LORIC TRUCKING CORPORATION, 720 Tonnele Avenue, Jersey City, N.J. 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in the New York, N.Y., commercial zone, as defined by the Commission, restricted to shipments having a prior or subsequent



movement by water, for 150 days. Supporting shipper: Sea-Land Service, Inc., Corbin and Fleet Street, Post Office Box 1050, Elizabeth, N.J. 07207. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 134233 (Sub-No. 1 TA), filed January 5, 1970. Applicant: ANGELO ACACIA, doing business as ANGELO TRUCKING Co., 363 North Washington Street, Wilkes-Barre, Pa. 18705. Applicant's representative: Philip F. Hudock, Citizens Bank Building, Hazleton, Pa. 18201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Carbonated beverages, nonalcoholic, in containers, from Wilkes-Barre, Pa., to points in Massachusetts, Connecticut, Vermont, Rhode Island, New Hampshire, Maine, Virginia, Ohio, Delaware, New York, New Jersey, West Virginia, Maryland, and the District of Columbia, and materials used in the making of nonalcoholic, carbonated beverages (excluding commodities in bulk, in tank vehicles), from points in Massachusetts, Connecticut, Vermont, Rhode Island, New Hampshire, Maine, Ohio, Delaware, New York, New Jersey, West Virginia, Virginia, Maryland, and the District of Columbia, to Wilkes-Barre, Pa., for 150 days. Supporting shipper: Ma's Old Fashion Bottling, Inc., 172 South Washington Street, Wilkes-Barre, Pa. 18701. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

#### MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub-No. 422 TA), filed January 20, 1970. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in the same vehicle with passengers, in roundtrip special operations, for 106 days commencing on February 12th, 1970, beginning and ending at New York City, N.Y., and points in Essex, Hudson, Morris, Middlesex, Passaic, and Union Counties, N.J., and extending to the Liberty Bell Race Track, Philadelphia, Pa. Supporters: The application is supported by 45 supporting parties whose statements may be examined here at the Offices of the Interstate Commerce Commission at Washington, D.C., or copies thereof which may be examined at the field office of the Interstate Commerce Commission indicated below. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-937; Filed, Jan. 23, 1970;  
8:48 a.m.]

[Notice 480]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 21, 1970.

Application filed for temporary authority under section 210(a) (b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-71914. By application filed January 20, 1970, SOONER CORPORATION, Post Office Box 40, Madill, Okla. seeks temporary authority to lease the operating rights of BILYEU REFRIGERATED TRANSPORT CORP., Post Office Box 688, Marshall, Mo. 65340, under section 210a(b). The transfer to SOONER CORPORATION, of the operating rights of BILYEU REFRIGERATED TRANSPORT CORP., is presently pending.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-938; Filed, Jan. 23, 1970;  
8:48 a.m.]

[No. 35199]

#### KENTUCKY INTRASTATE SWITCHING RATES AND CHARGES, 1969

##### Order

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 12th day of January 1970.

Upon consideration of the petition filed on December 2, 1969, by Kentucky and Indiana Terminal Railroad Co.; and

*It appearing*, That the petitioner published, effective May 1, 1968, increased switching and terminal rates and charges applicable to interstate traffic; that it attempted to publish corresponding increased charges applicable to intrastate traffic effective on the same date; and that the Railroad Commission of Kentucky, by its report and order of November 20, 1968, declined to allow the increases sought, authorizing, however, increases on a lower level;

*It further appearing*, That the petitioner alleges in its petition that: (1) It is being required to render switching services for intrastate traffic at charges which are unjustly and unreasonably low; (2) such charges fail to produce their fair share of earnings sufficient to enable the petitioner to provide adequate and efficient transportation services as required by the Interstate Commerce Act and the National Transportation

Policy; (3) an undue burden is thus cast upon interstate commerce to the extent that the intrastate rates and charges are below those for interstate service; (4) the conditions in regard to intrastate transportation are no more favorable than those incident to interstate movements; (5) the increases sought will not result in rates or charges which are unjust or unreasonable; and (6) the increases sought will reduce the contributions which the owner line-haul carriers must make to the petitioner's operating deficit;

*And it further appearing*, That the matters raised in the petition are sufficient to require an investigation thereof by this Commission;

Wherefore, and for good cause:

*It is ordered*, That, pursuant to section 13 of the Interstate Commerce Act, an investigation be, and it is hereby, instituted into the matters and things presented in the petition.

*It is further ordered*, That all persons who wish actively to participate in this proceeding and to file and to receive copies of pleadings shall make known that fact by notifying the Commission in writing on or before February 16, 1970. To conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentation to the greatest extent possible. Individual participation is not precluded; however, mere casual interest does not justify participation. The Commission desires participation only of those who intend to take an active part in the proceeding.

*It is further ordered*, That as soon as practicable after the date for indicating a desire to participate in the proceeding has passed, the Secretary will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

*It is further ordered*, That a copy of this order be served upon the petitioner; that the Commonwealth of Kentucky be notified of the proceeding by sending a copy of this order by certified mail to the Governor of Kentucky, Louisville, Ky., and a copy to the Railroad Commission of Kentucky at Louisville; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

*And it is further ordered*, That this proceeding be assigned for hearing at such time and place as may hereafter be designated.

By the Commission, Division 2.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-934; Filed, Jan. 23, 1970;  
8:48 a.m.]



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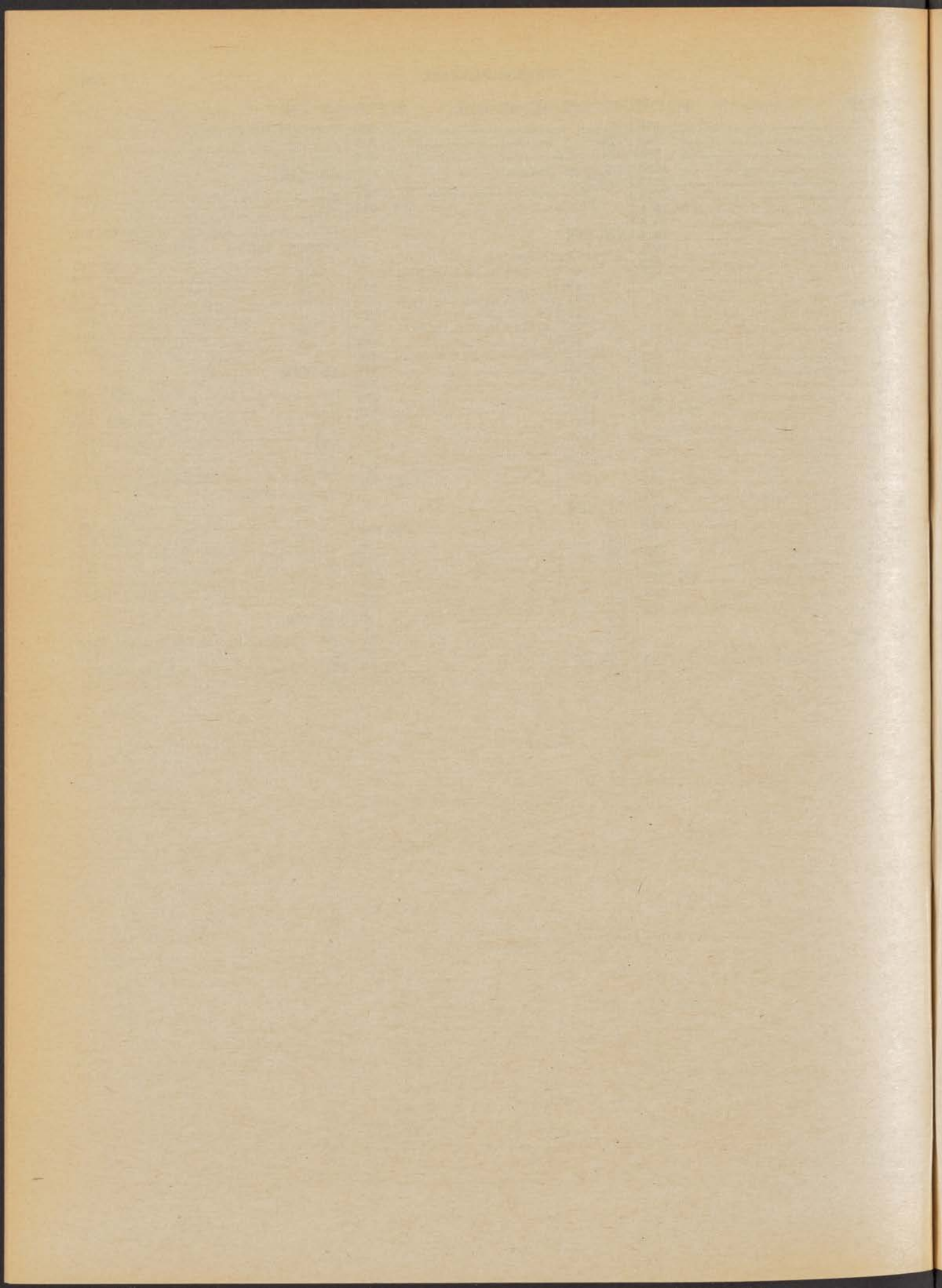
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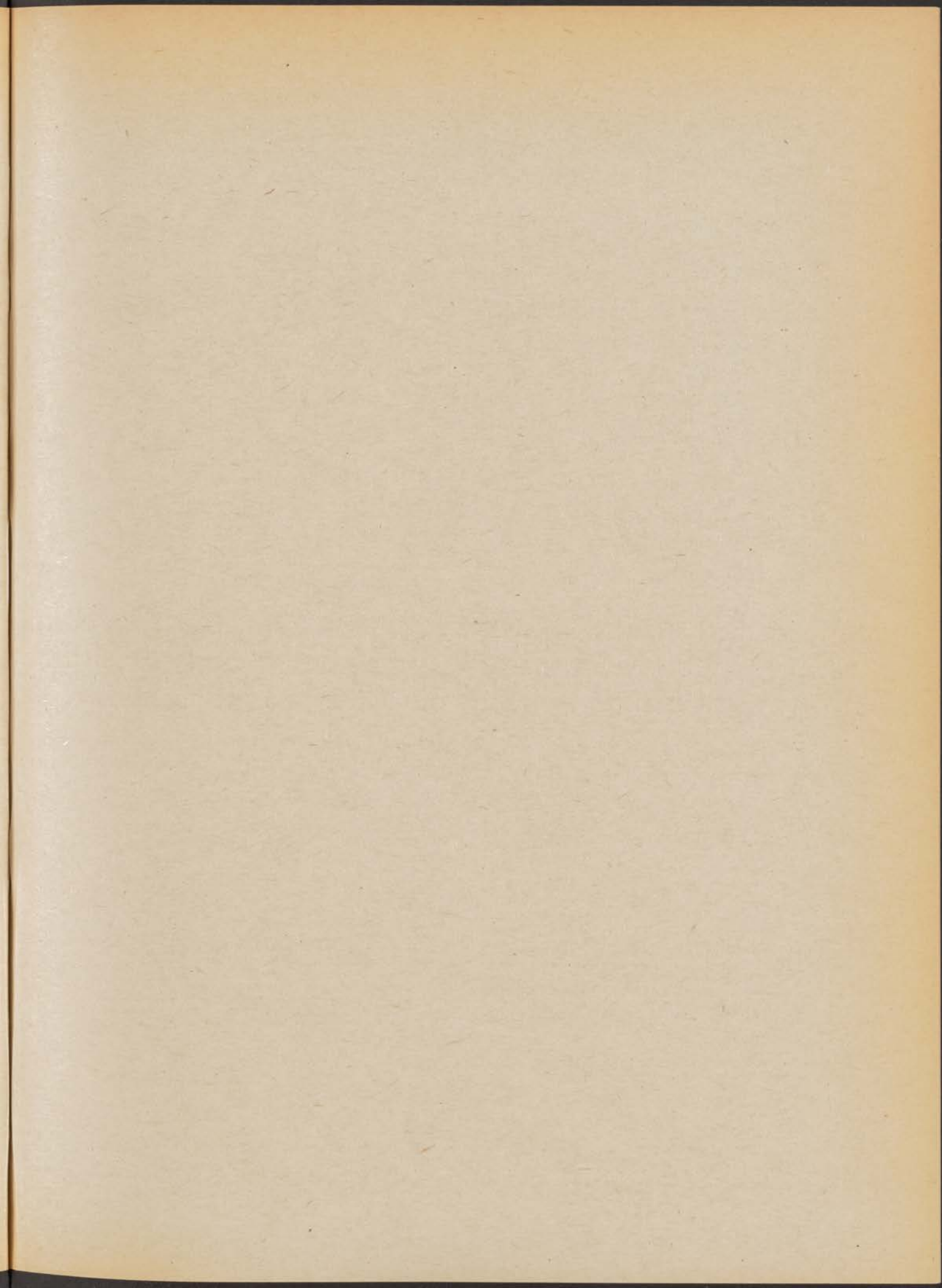
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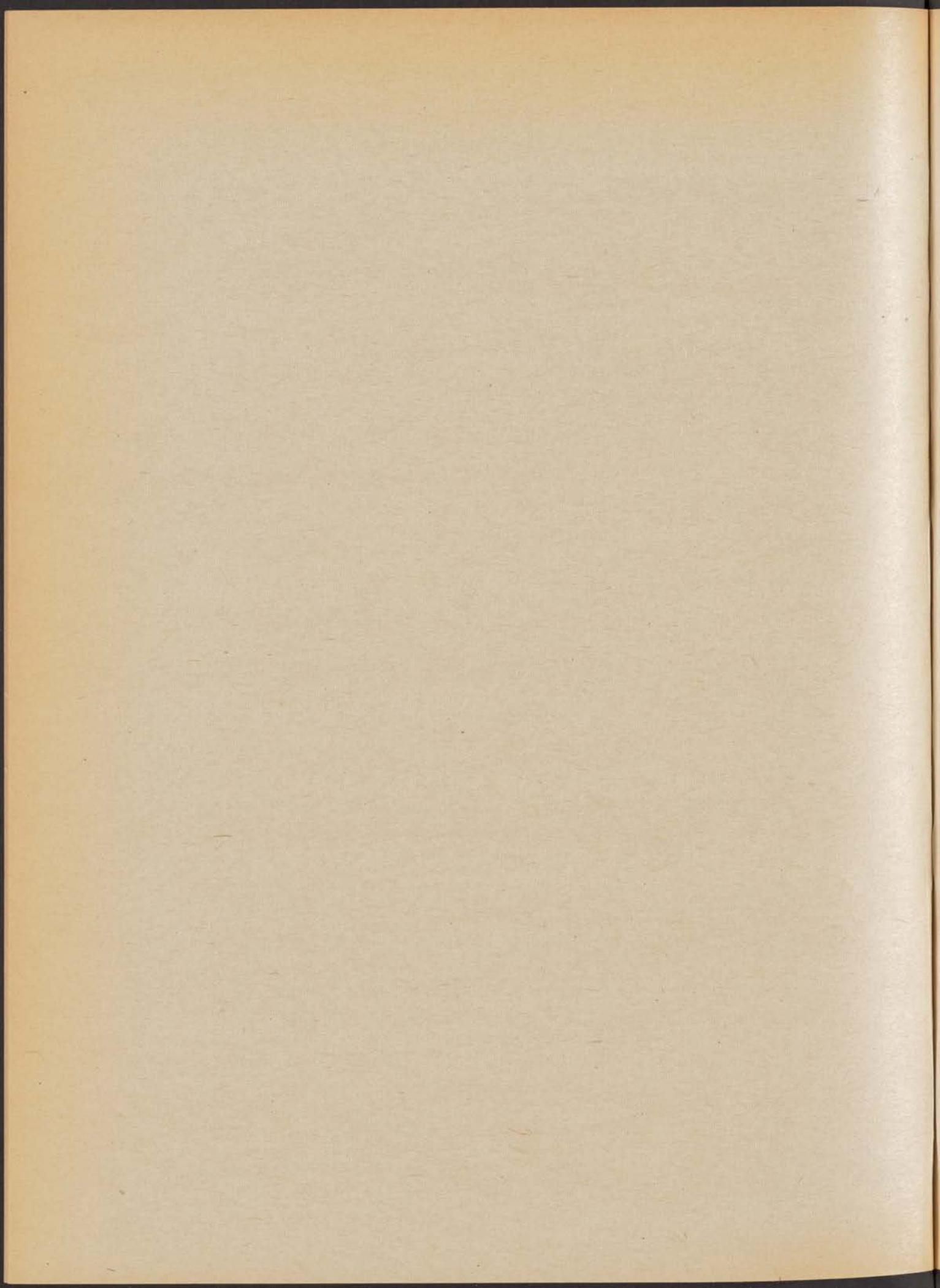






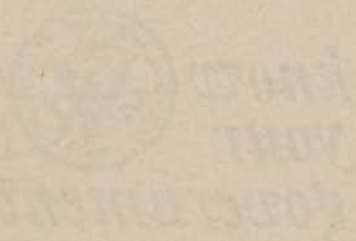








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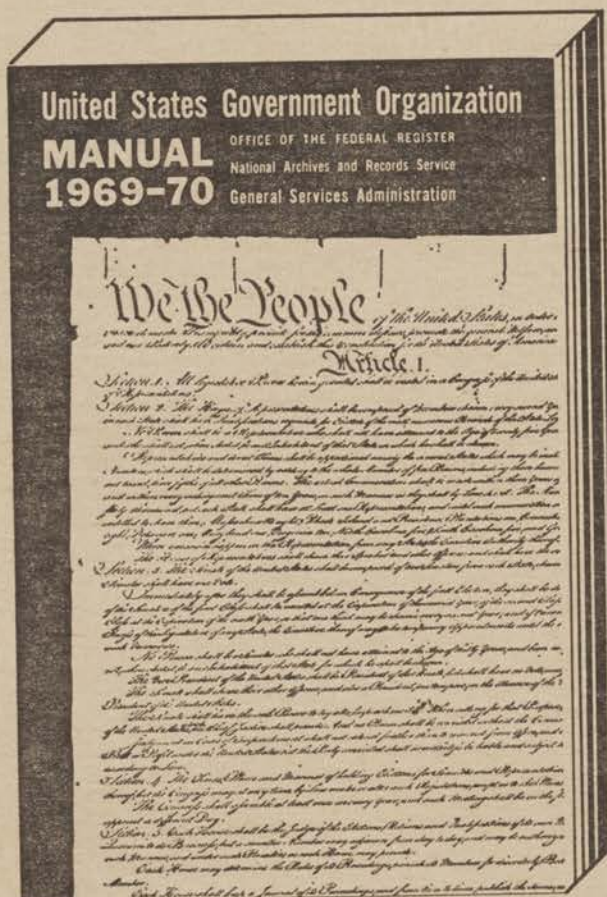
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